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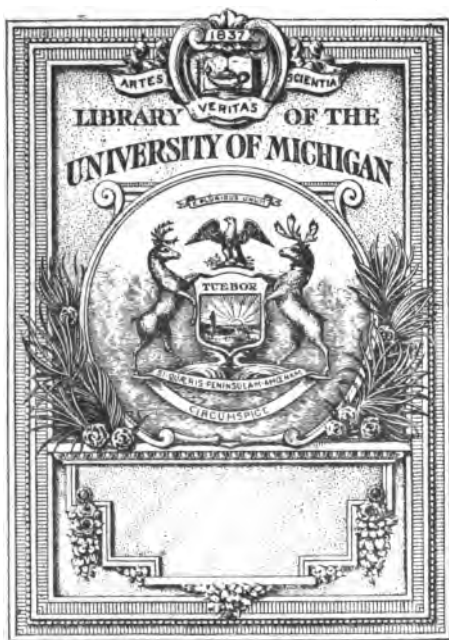
INTERCOLLEGIATE DEBATES

Affirmative and Negative

Volume II

HARVARD-YALE-PRINCETON
CHICAGO-MICHIGAN-COLGATE
NORTHWESTERN-BROWN
KANSAS-SWARTHMORE
PENNSYLVANIA & OTHERS

Edited by
EGBERT RAY NICHOLS



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Intercollegiate Debates

(Volume II)

A YEAR BOOK OF COLLEGE DEBATING

WITH RECORDS OF QUESTIONS AND DECISIONS,
SPECIMEN SPEECHES AND BIBLIOGRAPHIES

HARVARD—YALE—PRINCETON—CHICAGO—NORTHWESTERN—
MICHIGAN—COLGATE—HAMILTON—UNION—SWARTHMORE—
PENN STATE—FRANKLIN AND MARSHALL—BROWN—KANSAS—
OKLAHOMA—WM. JEWELL—BAYLOR

EDITED BY

EGBERT RAY NICHOLS

PROFESSOR OF ENGLISH COMPOSITION AND
PUBLIC SPEAKING, RIPON COLLEGE, WIS.

REVISED AND ENLARGED EDITION

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PREFACE

THE aim of this book is twofold: to present in as complete a form as possible, specimens of intercollegiate debates on the more popular present-day questions, and to record in the interests of debating the names of the schools doing forensic work, the names of their coaches, the questions discussed, the decisions, etc., for the year 1910-11, with statistics for former years, where possible. The first part of the book fulfills the first object; the appendixes the second.

In presenting these debates in complete form, a word might be said for the use of them. There is always a legitimate use of material and an illegitimate one in the preparation of a debate. These debates may be useful in the same way that a magazine article may be useful — as sources of information; bibliographies are given also for this purpose. They should be helpful also as examples of how good debaters have boiled down material and put it into shape. They should be valuable in giving any reader a quick, comprehensive grasp of the situation on both sides of some important present-day questions. It is not expected that any debater will deliberately copy these debates in the form here presented, or quote them as authority. Any attempt to do so should be exposed and denounced immediately by opponents. Some teachers may fear that they will be copied for class work. The remedy for this is oral work; *i. e.*, extempore speaking with a minimum of notes. Any student bringing

up committed work should be readily discovered by any teacher of public speaking who knows his business, and it is his own fault if he tolerates it. Training in extempore speech is, after all, the only way to develop ready debaters, and this prevents an improper use of these specimens of debating in the class room.

The editor has marked with pleasure the interest taken in this work by instructors and debaters all over the country. It is evident that only the willingness of the many to co-operate has made this publication possible. In order to gain the reports necessary for the year-book feature, blanks were sent out to about three hundred colleges and universities for the purpose of gathering statistics and records. The response was generous, and the editor wishes to thank publicly all those who returned the blanks filled out. The editor wishes to acknowledge a deeper obligation to the contributors of speeches and debates included here as well as to contributors of material which, mainly for lack of space, has not been included in this volume. Of the latter class, we are especially indebted to the following:

Mr. Sidney M. Bedford, Denver University, Conservation.

Mr. Herbert E. Chandler, Washburn College, Commission Government.

Prof. Chas. H. Woolbert, Albion College, Commission Government.

Prof. Wm. E. Jones, Iowa University, Commission Government, Open and Closed Shop, Income Tax.

Mr. Robert T. McCluggage, Fairmount College, Initiative and Referendum. To those who offered to send in debates — and they are too numerous to mention here — the editor is also grateful.

It is no small task to collect and edit material for such a book as this, and an immense amount of work was done by the coaches and debaters in preparing material for which no adequate return can be made unless, perhaps, such return lies in the satisfaction which comes in seeing a task done, and in feeling that one's school is represented in the latest work on debating. In behalf of these men the book is christened and launched in the name of, and for the welfare of, Intercollegiate Debating.

EGBERT RAY NICHOLS.

Ripon, Wisconsin.

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INTRODUCTION

I. PURPOSE OF THIS BOOK.

THINKING perhaps that you are one of those who avoid prefaces with religious fervency, I take this opportunity of restating to you the purposes of this work. The chief aim has been to make this a year-book of debating for the school year of 1910-11. In compiling the work two things have been kept in mind: (1) the collection of suitable intercollegiate debates on present-day subjects, together with bibliographies, and (2) the tabulation of debating records of the various schools and their organizations. It is evident that the first object owes much to "Intercollegiate Debates," by Mr. Paul M. Pearson, Volume I. of this series, as the publishers regard it. The difference between the present book, Volume II., Intercollegiate Debates, and the preceding one, lies in the fact that here fewer subjects are included and that the debates are printed for the most part in full instead of being summarized or briefed. The present work, intended as a supplement to the former, deals with several new subjects.

As for the second object of this book — the compilation of a debate record — this is a new and supplementary idea. The occasion for it lies in the growing importance and popularity, in this country, of debating as an intercollegiate activity. This part of the work furnishes an alphabetical directory, by states, of schools engaged in debating, with

names of coaches or debating officers, and is calculated to do for debating what the Spalding Guides have done for the much assailed and belied, much reformed and retried, game of football. As intercollegiate sports have evolved by frequent criticism and change, so debating from year to year has been, under the direction of critics and coaches, gradually moving toward newer and more efficient methods. The growth and popularity of the triangular system, with its affirmative and negative teams at each school practising against each other, is but an instance of this. The dual meet, in which two schools match affirmative and negative teams against each other on the same evening, has arisen in like manner to meet the demand and the conditions. And last of all has arisen the dual meet in which the teams prepare both sides and then cast lots for affirmative or negative side a few minutes before the debate begins. Procedure according to this last "new idea" may not become the general practice soon — the college debating world is far from being ready for it — but it is the ultimate goal. And just as a year-book of debates, such as the present one, could it have been written ten years ago, would have marked the university system of rebuttal for every man as "a new thing" and would not even have mentioned triangulars — in another decade, if the year-book system should be maintained, the present book will be found antedated, superseded, or long since heaped with the discards.

It is the duty of the present book, however, to reflect conditions in debating as they are, and to meet the needs of debaters at the existing stage in forensic affairs. These needs have been well stated by Prof. Pearson in his introduction, and as the same principles underlie both books, they need not be restated here. It is the hope of the editor

that the debates given here may be found helpful to both student and teacher in getting a foundation of the two sides of a debate mapped out clearly and quickly, as a source of information, as a guide to further research, as an example of how the thing can or ought to be done, and as a standard set up to be attained or surpassed. No claim is made for supreme excellence in this book, as the debates have been chosen by subject. It is the opinion of the editor, however, that the Harvard and Chicago University debates on the Income tax are above the average and quite worthy of study by students inquiring into the art of debating.

II. METHODS IN DEBATING.

The editor has neither the space nor the desire to make this introduction a treatise on debating, but there are a few things which might be said, with profit, doubtless, to all. After going through the trials and tribulations of compiling this book, a few things are found indelibly impressed upon the mind. There is more madness than method in the conduct of debating affairs in many of our institutions of learning. Debating, although it has come to stay, has not been placed on a firm foundation. Lack of scholarship, of accuracy, of logical thinking, and an immense amount of carelessness and wasted energy characterize it. In most cases this is occasioned by a lack of method or by the absence of a true conception of what a debate should be or of what is demanded in a given instance. As a rule a debater does not plead his case; he states it. His end is conviction, not persuasion. The judge is supposed to base his decision upon the merits of the argument, not upon the merits of

the question or of the speakers. The foundation of the whole thing is the mental attitude which the debater must take. Having determined this, that his end is conviction on the part of his audience, the speaker is ready for the methods of obtaining it.

Three methods are used at present. (1) The debaters, after considerable study of the question, write down their arguments carefully, using practically all of their time for what they call constructive work. The speeches are then committed and rattled off in vain endeavor to comply with the limitations of time placed upon each speaker. Only the second speech is given to rebuttal or extempore work. This method is by far the most generally employed, and is for the most part successful. The difficulty is that the real debate lies in the shorter speeches, which are most often considerably weaker in argument and construction than the polished efforts. Besides the unfavorable contrast between the two speeches of the same debater, this feature is often evident. The debaters in their prepared work are shooting like Spaniards at no mark in particular as far as the audience can see. At least they are not answering each other, but, rather, barking — each one for his own particular side-show.

Recognizing the difficulties in the foregoing method, some enterprising coaches and debaters have attempted a second method; that of speaking entirely extemporaneously upon a basis of previous preparation, using, perhaps, an outline. This gives an opportunity for shifting and changing arguments to meet the situation. It requires, however, men more skilled in platform work than the average of college debaters. There is a difficulty in the fact that even experienced men do not think logically always upon the platform and often leave out the best argument, the vital one. If

one can do it, the outline way is the ideal way, but few college men are willing to attempt it when the result of an important contest is at stake. As a matter of fact, when the first method is employed, the judge usually decides the debate upon a basis of rebuttal, so this second method, which is really debating, might as well be used, provided that both teams do it. Against polished committed work, the extempore speakers are obviously laboring at a disadvantage. This second method has a minor defect, no records of an extempore debate are kept. The men are usually too inactive after a contest is over to leave a record of their work in the college library. This is too often true when the speeches are written out as in the first method. The college has a right to these records, and it is to be hoped that a greater disposition to keep them will be aroused by the publication of such a book as this.

The third method, illustrated by the Chicago University debates, is a combination of the other two, and seems to be most in favor at schools where the best debating is done. Part of the constructive speeches is prepared carefully as in the first method. A considerable margin of time is reserved, however, for preliminary rebuttal at the beginning of each speech. This enables the speaker to meet opposing issues squarely, and to give some semblance of mental alertness and argumentative power. It implies a training in delivery that will conceal the transition from extempore speaking to committed work. Certainly the ideal is the same for both kinds of work, but to get the student to arrive — ay, there's the rub. "You can lead a horse to water but you can't make him drink." You can feed the student "grape-nuts," but you can't make him think. Allow him to commit, and from his point of view, you have obviated

the necessity of thinking. Of course this objection also strikes the first method, but a contrast within the speech between the two kinds of work is worse than between the two speeches of the same man. "Canned" thinking is a big difficulty, there is no getting around it. The remedy surely lies in extempore work in the class room, in training, and in the ultimate adoption of the second method — except, of course, in those cases where the student has acquired the power of recreating committed thought and delivering it in a natural and spontaneous way. It is only when college debaters have acquired the power of ready and effective extempore speaking that we may toss the coin for sides five minutes before the debating begins.

III. PREPARATION AND TRAINING.

From the foregoing it will be seen that the author favors class-room work in extempore speaking, yes, even impromptu speaking, also training to rethink vitally work that has been committed. He has been told that this is all a mistake, that it furnishes a "snap"—a "soft snap," if you please, for the student who expects to "stall around" and "bluff." This is true to a certain extent, but the bluffer deceives no one unless it is himself, and he isn't responsible for the grade sheet. Many professors insist upon "Argumentation" rather than oral debate, and install dry text-books, require a few briefs, a few written arguments (to be sent back later with red ink oozing from every pore), suspect plagiarism if there is nothing to correct, quarrel at Ringwalt's Briefs, bemoan the propensity of their students for losing debates to the rival college when the real test comes, and finally throw over the work as a bad job. Most certainly it is. Debaters

are not ground out in this sort of a grist mill. Good work requires thinking on one's feet with the voice, not the pen, as the medium of expression. No man ever learned to swim without getting into the water, or to write without putting some marks on the paper, and likewise he will not learn to speak without speaking. Practice under the direction of a teacher is certainly the better way to learn speaking. If that is not possible the debaters of the school should band together and speak before each other regularly. They should criticize each other, too. But even then, better a few faults than the inability to "think on one's feet." The college man who wants to be a speaker should never lose an opportunity to speak even if it is to empty chairs.

The editor does not mean to disparage text-books or written work in the study of argumentation and debate. A knowledge of the theory of the thing is desirable, but it is never all sufficing. Written work is necessary, for it is a great aid in cultivating the power to think. It is not, however, always conducive to spontaneous thought; and there is a great difference between the studied article and the spontaneous. If there is a criticism upon the usual class training and the lecture method, it is that almost all the student work required is written. At least a part of it should be oral.

No course in argumentation, then, is really performing its true function which does not train men in extempore speaking. The ordinary recitation period does not usually afford enough time for a debate, or for many speeches of length from students. The suggestion is here made that two recitation periods be combined and the entire time given over to debating and critical comment upon the work of each speaker. Discussion after a debate will be found

valuable. A third hour in the course may be given to a study of the theory of debating and argumentation, briefmaking, etc. This plan has been used successfully in several schools.

As to individual preparation, the student will find the card catalogue "habit" a fine thing to cultivate. In taking references, or after copying down a significant statement on either side of the question, the student should be sure to get the author's name, his position if it can be determined, the exact title of the article or book, the exact page, the exact volume, the time reference if it is a magazine and the publisher if it is a book. There need then be no fruitless search at some later time for the thing "you thought you saw but can't quite just remember where." It is easy to be careless and neglectful in the haste to get the quotation; it never pays. Exactness, careful scholarship — the kind which completes the thing the first time over it — is the kind that wins because it spells "efficiency."

It is a good idea, too, to sum up every article read in addition to taking references and making citations. A card of this kind falls readily into the catalogue of the subject. Time is saved in the long run by this careful and painstaking work. A card system is best, also, for the notes held in the hand while speaking. The note-book with lead pencil scribbles scattered here and there is prehistoric and antediluvian. Moreover, the debater should be watching his audience rather than fumbling a note-book in a vain endeavor to read it upside down. If a speech is written out in full, each quotation should have its reference (exact page and volume, etc.) in parentheses or brackets. Often it is a good idea to put the source of an argument in a foot-note or marginal references. These are all little things, but they make for scholarship, for permanent value in the work, also

for efficiency on the part of the man who observes them. Debates have been won by just such little things.

An incident showing the force of little things occurred in the Central Bank debate (Intercollegiate Debates Vol. III.), between Ottawa University and the college of Emporia. Mr. Jesse Elder and Mr. Wayne Gilliland, of the Ottawa team, although completely surprised by the attack of their opponents who staked the entire debate upon the definition of the Central Bank and were seemingly carrying their point, were able to save their side from defeat by resorting to their card catalogue and producing a legal definition of a bank fortunately taken from a U. S. Document at some stray moment in preparation, and by producing a quotation from the Associated Press bearing directly upon the point at issue, the status of the Aldrich plan.

A second important thing in individual preparation, and this goes beyond reading and note-taking, is to be ever on the lookout for some new point of view, for some new turn in the argument, for something which will catch the other side off guard. The science in debating lies here. Any one can do the reading and pile up the reference cards; it takes the skilled workman, the thinker, to arrange the arguments, to determine the point of view, to evolve something new. Here is the point in debating where the coach enters — and sometimes, perhaps, he goes too far. The tendency of the coach to do too much of the preparation has led a number of institutions to abandon the coaching system altogether. The same result follows that follows in football; science, thinking, wins over “beef and brawn” almost invariably. Abolishing the coaching system is considered rather too drastic in most quarters, for the coach can eventually direct legitimately the analytical ability of his debaters. Because

in most cases, he does do so the coaching system will probably be retained.

A third thing in individual preparation—and it applies also to the finished debate—is the necessity of strict honesty in the use of materials, quotations, etc. True debating lies in the interpretations of the facts, or in the inferences drawn, not in a statement of the facts themselves. The man who misstates a fact or warps it maliciously does not have the true conception of debating. He also lays himself open to exposure. It is the man, however, who purposely draws false inferences and twists the statements of authorities to support them who is the insidious offender. He probably considers it just “bluffing.” “Bluffing,” which consists in the misuse of quotations and authorities, although it often passes without discovery, is downright dishonesty no matter how euphoniously you disguise it. The reader is here referred to the preface of this book again, for ideas on the legitimate use of the present volume.

As an aid to the teacher of argumentation and debate, and to the student in his general preparation, a list of books on argumentation and debating is given in Appendix IV. Credit for this list—excepting several additions made by the editor—should go to the extension department of Kansas University.

IV. CHOOSING DEBATERS.

Various methods are used at present in choosing debating teams. The more prominent ones are: primaries, or preliminary try-outs, choice by literary societies within the school, and choice by the coach or faculty.

The primary system should be recommended most highly for the following reasons: It gives every man a chance

(in other words, it is democratic); it is fair, for it gives no chance for favoritism or school politics; it makes every man work for his place, and is most likely to result in a choice of the best men. Where two or three preliminaries are held for the purpose of eliminating men, and there is a sharp contest in the finals, this is the best plan. Obviously, the coach is the most interested man, and if conditions are right should be one of the judges, or should be allowed to pick the team without a final trial. The coach and the men should determine the mode of choosing at the outcome.

The argument for the choice of debaters by literary societies is that all factions should be represented, and that students are quick to estimate each other and will choose capable men. What if one society have three or more men more capable than any in the other society or societies? Undoubtedly they would win in a primary with judges. The choice, then, by organizations, in order to represent all interests, is calculated to prevent this very thing, and may keep some of the best qualified men off the team. The petty jealousies of school organizations should have no place in intercollegiate activities. Some schools would have a better record if this statement were a platitude of action rather than of words. Some allowance must be made for local conditions, certainly, for at some schools the choice by societies has been fair and has obtained favorable results. Nevertheless, the primary would have insured these things. Appendix II. will give a comparative estimate of the methods employed in choosing teams.

V. CHOOSING JUDGES.

The squabble over the choice of judges manifest once in a while in preliminaries is, unfortunately, sometimes carried

over into intercollegiate relations. It should be a point of honor in any school not to choose a judge from its own alumni roll, from the list of "former professors," or from its own religious denomination. If this principle were observed it would avoid some embarrassing situations and "strained relations." Sad to say, some schools will bear watching, and they are not all Methodists, either. A few schools are keeping a card index of judges, noting all important facts about them together with a record of their previous decisions. Since judges must often be chosen at the eleventh hour, this shrewd device has a decided practical value.

The editor has three opinions to offer on judges. A debating coach from a neutral institution is always the best choice, for he possesses the right point of view, sympathy with the work, and usually has the ability to see both sides of the question. He understands the placing of arguments and knows when a thing is well done; in fact, he understands a lot of things that other judges overlook. All judges are more or less honest no matter how dubious this statement may seem to the losers, but a debating coach's honesty is usually most justly applied. He seldom indulges in prejudice. All other judges do, more or less, without knowing it. Certainly they do not mean to, but "as the twig is bent the tree's inclined."

A lawyer, who is, perhaps, the best second choice for a judge, is always more or less moved by legal technicalities, and by appeals to the "constitutionality of the thing." He is usually a good judge if constitutionality or the legal status of the question is waived, for he understands the value of arguments.

Professors in various subjects and ministers are in the third class. There isn't much choice here, unless you are

choosing a man in whose special province your question lies. Then look out for pet theories, etc. If the man is fair minded, and doesn't ride hobbies with enthusiasm, he should be a first choice because of his knowledge of the subject. If he is found to have the subject prejudged and is prejudiced, he is a last choice. In this case the debaters had better trust the first impressions of a man whom they, themselves, instruct in the subject during the debate. He at least comes with open mind.

VI. DEBATE SUBJECTS.

In choosing debate subjects and in stating propositions care should be taken to get a question with two sides, something which has evidence for and against and is really debatable, rather than one entailing merely a conflict of opinion. The search for something new often leads the seekers astray. It is better to take a settled question, tested and tried by other schools or within one's own school than to jump in the dark at something new. A new question that is really debatable is assuredly best for original work, but at many of our schools the library facilities are poor for attempts of this kind. The triangular leagues deserve credit for what they have accomplished in gaining fair statements of questions. Appendixes I. and II. contain a number of questions stated as they have been debated at various schools. The table in Appendix III. will show the relative popularity of debating-subjects for the year 1910-11. Among the present year's new questions not included in the appendixes, are: Should nation-wide primaries be adopted? Should the American commonwealths adopt the judicial recall? Should the recall, for all elective offices except

those of the judges and of the President and Vice-President of the United States, become a part of our political organization? Should the states provide an industrial insurance? Should they give industrial pensions? Among those questions comparatively new to debating are: Should the states pass minimum wage laws? Should the short ballot reform be accepted? Should the states or the National Government control conservation? Control water-power rights? Should the Federal Government retain ownership of coal and mineral lands, etc.?

VII. STATUS OF DEBATING.

A glance at Appendixes I. and II. will serve to show the popularity of debating, and the list of schools and debating organizations given there is by no means complete. Out of a little over three hundred schools to which blanks were sent, only about one hundred and forty (approximately one-half of the schools engaging in forensic contests) sent in replies. Appendix I. names about thirty triangulars, three pentagonals, and one quadrangular league.

An examination of the records, where they cover a period of more than one year, will show some schools strong and others weak in forensics. Were the records more complete this inequality would be startlingly evident. For instance. Harvard defeats Yale as regularly in debate as she fails to do so in football. Pennsylvania has been rather successful; Michigan wins often in the Central Debating League, and Iowa leads in the Central Debating Circuit.

The high schools in various states are organizing leagues similar to those of the colleges, and many of the college debaters received their preliminary training in interscholastic

meets. The Kansas University Extension Bureau has organized by congressional districts a state interscholastic league, and last year held at Lawrence the final debate for state honors. This movement has, among other purposes, the obvious one of discovering and capturing the debating material for the university freshman class each year. The plan of the league will undoubtedly prove successful. A sharp contest over the high school men of promising forensic ability has been on in every state for some time, and, as has been the case in the contest for athletic men, will probably increase in vigor.

Unlike athletic struggles in many instances, debating has a tendency to awaken good fellowship between the men of different institutions, and is really becoming a telling factor in encouraging friendly relations between rival schools. Almost invariably a dinner, banquet, reception or some such function is given in honor of the visiting team. Quite often debaters from neighboring institutions attend, and the occasion becomes one of considerable collegiate and inter-collegiate interest.

The after-dinner speeches, the flow of wit at one another's expense, the toasts to opponents, the praise of opponents that courtesy dictates, the response that good breeding returns, all unite to make these annual meetings memorable, to build up friendship and fellowship, and — last, not least — to smooth the thorny pathway of defeat. All this is teaching college men to lose and win like gentlemen and good sportsmen — a result most salutary.

In this extension of courtesy and fellowship, Delta Sigma Rho, Tau Kappa Alpha, and Pi Kappa Delta, forensic fraternities installed in many of the universities and colleges, have been active and inspiring factors. It is to be hoped

that in more schools the men with debating interests may be found worthy of belonging to these organizations and that, in the case of the smaller colleges, men that are qualified may have access to them. These organizations besides furthering good fellowship, do much to dispel the erroneous old idea that only bookworms, grinds, visionaries, shabby enthusiasts, and frock-tailed haranguers indulge in debating work. In reality, debating is commanding the attention of the best men in many of our colleges and universities, and is fast becoming a popular intercollegiate activity. It is no longer a thing done in a corner, and interested audiences are greeting intelligent work with a great deal of enthusiasm.

THE INCOME TAX

I

HARVARD vs. YALE AND PRINCETON.

The second annual triangular debates between Harvard, Yale and Princeton were held March 22, 1910. The Affirmative teams debated away, and the Negative teams at home. Harvard secured victories on both sides of the question, winning from the Yale Negative at Woolsey Hall, New Haven, and from the Princeton Affirmative at Sanders Theatre, Cambridge. The question discussed was—

Resolved, That the Federal Government should have the power to impose an income tax not apportioned among the states according to population.

The Harvard speeches are reprinted from a pamphlet, issued by the Harvard Debating Council, containing the complete debates.



THE INCOME TAX

HARVARD vs. YALE.

FIRST AFFIRMATIVE SPEECH, H. B. EHRMANN, '12 HARVARD.

Mr. Chairman, Ladies and Gentlemen: This is the question: Resolved that the Federal Government should have the power to impose an Income Tax not apportioned among the states according to population.

In this world of disagreement, dispute and intercollegiate debates, it is an extremely rare thing for authorities to agree upon any one proposition. Yet, since the time of Adam Smith and John Stuart Mill to the present day, practically all great economists have been in complete harmony on one point; namely, that it is the duty of every man to contribute to the support of his government according to his ability. And the most sensible, just, and modern tax must rest upon this principle, as its foundation. But what determines a man's ability? Is it the food he eats or the clothes he wears, as a tariff would seem to indicate? Most assuredly not; for while the necessities of life consume all the wages of the laborer, yet they make but little inroads on the wealth of the millionaire. Is it, then, a man's tangible property? Most assuredly not; for many men have little such property and yet are immensely wealthy. What, then, is a true

gauge of a man's tax-paying ability? The only answer is his Income.

And yet, although an income tax is the very keynote of logical taxation, since 1895, the government of the United States has been powerless to levy such a tax. There is a clause in the constitution which reads: "No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken."

And in 1895, the Supreme Court, by a vote of five to four declared an income tax to be a direct tax. Now an income tax which had to be apportioned among the states according to the census is, in these days when wealth and population are so unevenly distributed, too great an injustice for an American to tolerate. The rate of taxation in Nebraska would be five times that of Rhode Island, and property in the Carolinas would bear seven times the burden imposed in Massachusetts. As Mr. Richard Olney, Attorney-General and Secretary of State for President Cleveland, has said, "The inevitable inequalities resulting from such a plan of taxation are so gross and so flagrant as to absolutely debar any resort to it." But we do not quarrel with the decision of the Supreme Court that an income tax today means a direct tax; we accept that interpretation, although it hung by the slender thread of a vote of five to four and upset the precedents of a hundred years. We are not arguing the constitutionality of an income tax, for if an amendment to the constitution should be necessary, we of the affirmative advocate such an amendment.

Our position is briefly this: We believe that the Federal Government ought to have the power to impose an income tax, for three reasons. First, we believe that the decision of 1895 took away from our government a power which the founders of our country intended it to have—a power which is a prerogative inseparable from every sovereign government; and we advocate a restoration of that power. Second, as our next speaker will show you, we are advocating no chimerical scheme; we believe that whenever Congress may see fit to incorporate an income tax in our federal revenue system, it will be making use of a tax which is practicable. And third, as our last speaker will show you, we believe that an income tax, whenever levied, will go a long way toward alleviating the injustice of the present system. That is to say, we advocate the restoration of a power which of necessity ought to belong to our government; we believe that the tax itself is practicable; and, furthermore, is needed for the sake of justice in taxation.

Now, then, as to our first proposition. We believe that when the framers of our constitution inserted that clause about direct taxes they never intended the phrase to cover an income tax, but had in mind only a capitation tax and a tax on land. If the meaning of the term, direct tax, is so uncertain today, how much more indefinite was it in 1787, the year of our constitutional convention? And to anyone who has read the speeches of that convention, this fact will immediately be obvious. Our only source of information is what some of the leading spirits in that convention said a few years later. In the famous car-

riage tax case of 1794, Alexander Hamilton makes the following statement: "Direct taxes must be considered as capitation taxes and taxes on lands and buildings." And in the same case, Justice Patterson of the supreme court makes the still more illuminating statement: "I never entertained a doubt that the principal objects which the framers of the constitution contemplated as falling within the rules of apportionment were a capitation tax and a tax on land."

Gentlemen, these statements were made but five years after the constitution was ratified, and by men who themselves were principal framers of that instrument. But more than that. From Justice Patterson in 1794, to Justice Savage in 1880, five distinct supreme court adjudications decided that the constitutional meaning of the term "Direct Tax," comprehended only a capitation tax and a tax upon land. And it is a remarkable fact that in 1895, when all these decisions were reversed, the majority could not quote a single decision to support their new position. But what is still more convincing, is the fact that for over a hundred years our government actually enjoyed the power to levy an income tax, and when the gentlemen of the negative tell you that our government only thought it had the power but did not really possess it, how can they get around the fact that for over a decade during the period of the civil war, our government actually levied and collected an income tax, and it is to that tax that we owe it, in large measure, that we still bear the name of the United States?

We are, then, advocating no new measure; we wish

to restore to our government a power which, until fifteen years ago, it actually possessed. Now a word or two as to what that power means. Oliver Ellsworth has said, "It is necessary that the powers of the general legislature should extend to all the objects of taxation, that the government should be able to command all the resources of the country; for a government which can command but half its resources is like a man with but one arm." Our country today is no longer a little strip of sea-coast. It extends from ocean to ocean; it has dominions beyond the seas; it has undertaken the stupendous task of cutting a continent in two. Yet, mighty as it is, it stands crippled, with but one arm among the other powers of the world, all of which have, during the last fifty years, adopted an income tax. Our government, alone, stands not only without the tax, but even without the power to tax the accumulated wealth of its citizens.

But the power of levying an income tax is not only a necessary power of government; it is one which may prove vital to the very life of our nation. In the words of the President of the United States, "I consider it, in the constitution as at present construed, an elemental weakness on the part of the government, not to be able, in times of emergency, to levy such a tax." Is this, then, the sovereign power of our government? As matters stand today, if we should engage in a war with a great commercial power so that our import duties would naturally be impaired or cease completely, then our nation would be like a man with no arms to defend

himself. The income tax has saved our nation once, and who knows but that in the uncertain future there may come a time when we shall need it even more sorely.

This, then, is the power which we wish to restore to our government. We are not, as the gentlemen of the negative will presently tell you, trying to overthrow the constitution of our fathers; on the contrary, we believe that when the Supreme Court in 1895 extended the direct tax clause to include an income tax, it actually amended the constitution, and we wish to strike out that amendment. We believe that the vote of a single man on a purely technical point, took away from our Federal Government a power which the founders of our constitution intended it to have, a power sanctioned by a line of Supreme Court decisions, a power which it actually enjoyed for over a hundred years and exercised in time of stress; a power which is the prerogative inseparable from every sovereign government, and finally, a power which our nation may need sorely in the future. And we of the affirmative, because we believe that our constitution, being a written constitution and difficult of change, should contain all the important powers of government, as our first point, advocate a restoration of this power.

SECOND AFFIRMATIVE, T. M. GREGORY, '10 HARVARD.

Mr. Chairman, Ladies and Gentlemen: We have pointed out that we are merely asking that the power to levy an income tax be restored to the Federal Gov-

ernment. The power to levy such a tax was conferred upon the National Government by the constitutional convention, and this power was consistently upheld by the Supreme Court in five unanimous decisions until 1895, when upon a pure technicality as to the meaning of a direct tax, the government was bereft of even the power to levy a tax, which in the crucial test of the civil war had, in the words of Elihu Root, been "vital to the preservation of the national existence."

In answer to this contention the negative have said that there is no immediate financial necessity for an income tax and that the present financial system, fortified by economy of expenditure, will prove sufficient to meet any exigencies that may arise. But the affirmative maintains that as no seer is wise enough to peer into the future and determine what demands may be made upon the government, the only safe and statesmanlike policy is to restore the power to levy an income tax to Congress and then to leave the question as to its use to the wise discretion of our national legislators.

The power to levy an income tax is thus not only a necessity power, as we have already shown, but it is likewise a practicable power. The mere fact that every European power of any importance levies this tax successfully should be in itself sufficient proof of its practicability. Those who oppose an income tax in the United States on the ground of its impracticability, betray a lack of confidence in the efficiency of our government as contrasted with the other governments of the world.

Let us examine the arguments advanced to prove that

this government cannot levy an income tax successfully. It is said that it is inquisitorial, that it is open to evasion and that consequently it falls only upon the honest taxpayer. It is true that these evils were to be found in the income tax half a century ago, when the government had to rely upon the method of personal assessment, and when the administration of the tax, of course, depended upon the honesty of the individual taxpayer. These objections are groundless under the latest development of the tax. Today the bulk of an income tax may be collected by taxing incomes at their source, before they reach their ultimate individual possessors. Thus incomes derived from investments in corporations are taxed in the forms of dividends and interest before they are paid over to the stockholders or bondholders. The salaries of all employes of the Federal Government, of all corporations, and of other business enterprises are taxed before they are paid over to the employees. In this way the principle of stoppage at the source can be extended throughout our entire industrial and business life. Under this system there is no inquisitorialness because the individual taxpayer never comes into contact with the tax collector. There is but slight chance of evasion, for the corporations would have no reason to defraud the government out of tax that did not affect them. In England, whereas under the old system of personal assessment there was great cause for complaint, now that three-fourths of the tax is collected by stoppage at the source, we find that there is very little complaint, and in the words of the latest report of the internal revenue commission, the tax is now col-

lected with a "minimum of friction and a maximum of results." The fact that business in the United States is more widely carried on in the corporate form than in any other country, and that the corporations have been brought under the direct supervision of the Federal Government through the instrumentality of the new corporation tax, makes the system of stoppage at the source peculiarly adaptable to this country. That these statements are reliable is shown by the fact that the income tax law of 1894 as well as the Bailey law of 1909 involve extensive provision for the collection of the tax by this method. Lawson Purdy of New York City has estimated that four-fifths of an income tax could be collected in this manner. Thus the great bulk of the tax could be collected in this country as in England with certainty, ease and simplicity.

The real test of the pudding is in the eating. The real test of the income tax is in its actual use, as fortunately we have had considerable experience with this form of taxation, notably in the decade covering the civil war and extending from 1862 to 1872. Before the actual success of this measure can be justly determined the form of the tax itself and the conditions under which it was passed must be considered. In the first place the law itself was crude and imperfect, passed as it was, hurriedly in a great emergency and without any former experience on the part of the lawmakers in the use of the tax. Furthermore, because of the fact that the country was in the throes of one of the most destructive and sanguinary struggles ever known, business and industry were shat-

tered. Says the New York Tribune of May 2, 1863: "The fabric of the New York mercantile prosperity lies in ruins, beneath which 10,000 fortunes lie buried." The result was that any system of taxation could be collected only with the greatest difficulty. Even such a loyal and well-to-do citizen as James Russell Lowell wrote to Miss Norton that "The horror of my tax bill has so affected my imagination that I see myself begging entrance to the poor-house." And yet, in spite of the crudeness of the law and the unfavorable conditions attending its trial, its success is attested by the fact that \$347,000,000 was collected from this tax. As Frederick C. Howe, the eminent authority on internal taxation, puts it: "The Income Tax proved one of the most satisfactory from a purely fiscal point of view, of the many expedients hit upon by Congress."

But was this tax unduly inquisitorial, and was it subject to any more evasion than the other forms of taxation? The testimony of Prof. A. I. Perry of Williams College, given at the time that the tax was actually being tried, is of great importance. He wrote: "The income tax at present in force in the United States has been subject to less complaint than the manufacture tax and other forms of direct taxation." A contemporary issue of "The Nation" under date of November 25, 1869, throws further light on this point. "The collectors," it says, "do not report any unusual unwillingness on the people's part to pay it; perhaps fewer attempts are made to evade the income tax than any other, and the corruption and abuses which mark its collection have thus

far been much inferior, both in numbers and quantity, to those of the custom house or other branches of the internal revenue."

Important as is the evidence in proving that the civil war income tax as compared with the other taxes of that period was successful, there yet remains further evidence that should be final upon this point. In 1866 Congress established a special revenue commission to make a careful study of the financial system and to make recommendations in consequence of that study. The prominent member of the commission was D. A. Wells, whose writings on taxation are well known. After having gone carefully over the ground, the commission came to the conclusion that "the income tax would probably be sustained in less detriment to the country than any other form of taxation." But not only did the commission thus favor the income tax in preference to other forms of taxation, but it went a step further and made specific recommendations to Congress for its guidance in future legislation. "The proper revenue policy for the future is, in brief, the abolition or speedy reduction of all taxes which tend to check the development, and the retention of all those which, like the income tax, fall chiefly on realized wealth." Surely these conclusions favoring the income tax, which were arrived at after the most careful investigation of the actual workings of the tax by a commission of experts, should remove any doubts that may yet remain as to the success of the Income Tax during the civil war.

If the income tax of the sixties, crude and imperfect

in form, and tried in the stress of civil strife, was levied with a maximum of results and minimum of evils, how much more successfully could it be levied today under normal conditions! How much more successfully could it be levied today, when, by means of the system of stoppage at the source, the great bulk of the tax could be collected so as to avoid the evils of personal assessment, with its inquisitorialness and evasions? Because, therefore, the power to levy an income tax is a necessary power of our Federal Government, and, as I have shown, because it places in the hands of the government a practicable and efficient means of taxation, we are in favor of restoring to Congress the power to levy an income tax not to be apportioned according to population.

THIRD AFFIRMATIVE SPEECH, E. R. BURKE, 2L., HARVARD.

Mr. Chairman, Ladies and Gentlemen: The affirmative maintain that the power to impose and collect this practicable tax should be restored to Congress so that the arm of the nation be not impotent in time of emergency. But there are exigencies other than war in which the Federal Government can use to advantage this tax upon accumulated wealth. We propose to show that such a time is at hand, and that the fundamental principle of justice in taxation even now requires a readjustment of our tax system to bring about some semblance of equality. What will be the effect of a federal income tax upon the different parts of our present system of taxation, general property, corporation, impost and excise duties?

Few are the defenders of the general property tax, in use by state and local bodies, in so far as it relates to the taxation of personalty. It is not enough to say that it fails to produce the revenue desired. Its results are outrageously unjust in that the tax reaches the total personalty of the man of small means, since his wealth is in tangible form, and lets escape the intangible property of the wealthy holder. By the Census Report for 1902, we find that less than twenty per cent of the personal property of the country was assessed. The New York Tax Commission in a recent report voices the sentiment expressed by other commissions throughout the states where it says that the richer a man grows the less of a tax he pays in proportion to his personal property. Although the working of this tax is most unjust and all attempts to improve it have failed, yet the people are unwilling to throw it aside because they firmly believe that such property ought not to be exempt. The tax, which we support, will reach the income from this property, and will lead to the abolishment of the present unjust personal taxes, a result which speedily followed the adoption of the English income tax.

Our opponents will tell you that if the states have made a failure of the attempt to reach personal property we can hope for no success at reaching what is more intangible still, the income from personal property. That argument is fallacious because it ignores the real reason for the failure of the tax we are discussing and of the state income tax as well. To evade a local tax the holder of the property sought to be reached need only move

into the next town or at most into an adjoining state. When states and smaller administrative bodies try to tax this national property the attempt is sure to fail.

The Federal Government will succeed because the property cannot escape without leaving the country altogether. Here, then, is the first beneficial result—the abolition of the inadequate and unjust personal property taxes.

Let us go a step farther, and examine the corporation tax now being collected by the Federal Government. This is a tax upon the privilege of doing business in the corporate form, but it is measured by the income of the corporation. Here we have an attempt to reach a part of the property that now so largely escapes taxation. But there is one monstrous defect in the corporation tax. It professes to reach the net earnings of these business concerns. We are all familiar enough with corporation finances to know that their net earnings is the sum of dividends on stock and interest on bonds. Take, for example, the steam railways of the country. Here we find about five billion dollars worth of dividend-paying stock and nearly nine billion dollars of interest-bearing bonds. To tax one of these items and neglect the other would be, as Professor Seligman says, "obviously suicidal." Yes, that is exactly what our present tax is doing; it reaches the dividends on the five billions of stock, but it does not touch the interest on the nine billions of bonds. Do you think this is a mere oversight by the framers of the act? It was drafted by some of the ablest lawyers in the country, and we have the statement of President Taft himself

that they wanted to reach the bondholders as well as the stockholder, because they knew that both are beneficiaries of the corporation. Then why this injustice, you ask? Because of the limitations of the taxing power of Congress, which the negative desire to continue. By the supreme court decisions a tax on the bonds would be considered a tax on the individual bondholder's income. It would have to be apportioned; which means that it will not be levied at all. Under the present interpretation of the constitution there can be but one remedy, and that is to give Congress the power to tax incomes without apportionment. This is the second great step toward justice in taxation that will be secured.

There awaits our consideration a still more important phase of the subject. Today the National Government draws its support almost exclusively from customs and excise duties, three hundred millions annually from the former and almost as much from the latter. These are taxes on consumption. Property and the income from property, as such, pay no portion. Out of his daily wage the man of slender income, whenever he purchases for himself and family the necessities of life, contributes to the support of the government. Obviously this is a tax not proportioned to a man's ability to pay, but measured entirely by his needs. "It is not a tax on wealth, but on want, not on dollars but on men." If it were true that the necessities of the poor and their incomes bear the same relation to the necessities and the incomes of the rich, then the tax would be just. But we know that seven-eighths of these taxes are paid

by those whose incomes are exhausted in the payment, while the remaining one-eighth makes no impression at all upon the millions which flow into the pockets of the more fortunate as the return upon their invested wealth. We do not attack wealth, but we do challenge the injustice of a system of taxation which exempts wealth from its proportionate share of the burden and places it upon those least able to bear. Such are the natural resources of the country, and so abundant has been our prosperity that we are apt to overlook the results of this oppression.

Chairman Ellis of the Boston School Board reports that a thousand children go to school in Boston every morning hungry for the necessities of life. In Chicago, there are five thousand suffering ones, with like conditions in every city throughout this land of plenty. All this time the government is collecting its millions and hundreds of millions from the necessities of life, and for every dollar that goes into the nation's treasury seven find their way into the pockets of the protected industries. We are told that seventy per cent of the tax collected, four hundred and fifty millions a year, is in the nature of a war tax, largely that property may be secure. Yet the negative would have you believe that there is no need, no justice, in our contention that Congress be given the power to equalize this burden by collecting a few cents on the dollar from the income of this protected property. In the struggle to shift the burden of taxation the poor man has always gone to the wall. We urge the income tax as a supplement to the tax on consumption, as an equalizer in our present system.

FIRST AFFIRMATIVE REBUTTAL, H. B. EHRMANN,
'12. HARVARD.

Mr. Chairman, Ladies and Gentlemen: The gentlemen of the negative have spent the most considerable portion of their time pointing out a thousand and one minor difficulties in the working out of an income tax, in spite of the fact that our second speaker showed conclusively that by the certain method of stoppage at the source, three-fourths of the entire tax could be collected without a single one of the difficulties which the negative has so ably advanced this evening. Moreover, the remaining one-fourth consists largely of incomes from professions, and such a tax has not been declared unconstitutional. That means that the negative has centered its entire attack upon a tax which our government already has the power to impose.

Furthermore, we are told that in a time of great emergency, plenty of money could be raised by increasing the tax upon whiskey and tobacco. Now even laying aside the fact that in 1866 a crude and imperfect income tax raised more revenue than the highly developed whiskey and tobacco taxes combined, it is a recognized fact that such an excise tax possesses little elasticity. Even the gentlemen of the negative realize this, for they themselves have told you that any increase of the whiskey and tobacco taxes would mean less consumption of those commodities. Then, moral gentlemen that they are, they proceed to tell you that it would be a good thing if less whiskey and tobacco were consumed. Now, if an in-

crease of any tax means a corresponding decrease in the consumption of the taxed commodity, how in the name of taxation can such a tax be a good tax for an emergency?

Our last speaker has shown you that the present system of taxation is unjust; the gentlemen of the negative have attempted to sweep it all aside by the mere statement that a tariff does not necessarily bear unjustly upon the poor. Now the question of a tariff is too vast a problem to be dragged into a debate on the income tax, so we must treat it as summarily as the gentlemen of the negative have done. As admitted an authority as John Stuart Mill will speak for us: "The only direct taxes which yield a large revenue as those which fall on articles of universal or very general consumption,—a flagrant injustice to the poorer classes of contributors, unless compensated by the existence of other taxes from which, as from an income tax, they are altogether exempt."

Finally, we are told that our government is too extravagant anyhow, and it would be a good thing to force it to be more economical.

Now if our government already has such unbounded resources as the gentlemen of the negative have pointed out, we fail to see how we could curb extravagance by refusing the additional power of imposing an income tax. But we of the affirmative realize that our government is extravagant, and far be it from us to deny that economy is a good thing. But do the gentlemen of the negative think that our government just happened to be extrava-

gant or do they think that the sound of their voices ringing through the Congressional halls will force it to be more economical? A representative government is extravagant because the people are careless as to how their representatives spend their money, and the people are careless because they do not feel that it is their money that is being spent. And the people do not realize that it is their money that is being spent because practically all federal taxes are collected in an indirect manner. In the words of Mr. David A. Wells, the negative's own authority, "With a system of indirect taxation, as a tariff on imports, a government can undertake the most unnecessary and extravagant measures without popular disapproval."

This, then, is the cause for extravagance. What is the remedy? John Stuart Mill, in speaking of a system of taxation which comes home to the individual, says: "Under it every one knows how much he really pays; and if he votes for a war or any expensive national luxury he does so with his eyes open to what it costs him. Taxation would be much more perceived than at present, and there would be a security, which now there is not, for economy in the public expenditure." But that was written over fifty years ago. Perhaps the psychology of human nature has changed since then. Mark the words of Dr. Frederick C. Howe, a contemporary expert on taxation:

"Indirect taxation and extravagance have gone hand in hand. When government touches the pocket of the citizen directly, however, it induces a patriotic inspection

of party stewardship and a more watchful observance of its actions."

Ladies and Gentlemen, when the negative tell you that our government is extravagant and ought to be more economical, they assign no cause and fail to suggest a remedy. We have shown you that the cause of our present extravagance lies in a system of universal indirect taxation, and that the remedy is not to go on raising money in the present manner, but to levy a tax which goes directly home to the individual; namely, a Federal Income Tax.

SECOND AFFIRMATIVE REBUTTAL, T. M. GREGORY,

'IO HARVARD.

Mr. Chairman, Ladies and Gentlemen: The affirmative has attempted to reduce the need of an income to a mere matter of dollars and cents. They tell us that because there is no present need for additional revenue, that, therefore, Congress should not be given this power. In taking this position they have ignored two important questions.

In the first place we are not asking that an income tax be imposed at this time. What we are asking is that the power to levy an income tax be restored to the Federal Government and that its use be left to the discretion of Congress. Even granting that the tax is not demanded now for revenue, how can we be assured that it will not be needed in the future? Are the gentlemen from Yale seers or prophets that they can thus divine the future?

The only wise and statesmanlike policy is to restore this power to Congress now and thus prepare ourselves in time for any emergency that may arise. For, as former Secretary of State, Elihu Root, expressed it in a letter to the New York legislature, the income tax "may be again as it has been, vital to the preservation of national existence."

In the second place there is a moral aspect to this question which cannot be measured by the standard of dollars and cents. Rising above the materialistic attitude of the negative, we have demonstrated the necessity of an income tax to bring about justice in taxation in this country,—that the burden of taxation may be borne by those best able to bear it.

It has been said that the argument for an income tax as an emergency measure is specious, for if it were used only in emergencies, we would not have sufficient experience with the tax to use it effectively. That is just where the superiority of the income tax is most evident, since it may be levied at a low rate in normal times and at a higher rate in times of emergency. England adjusts her tax in this manner with eminent success.

Finally that weather-beaten argument of impracticability that has always been urged against every form of taxation, has been advanced here against the income tax. It is not at all surprising that the negative has been able to expose before us several flaws in this tax, for as ex-Senator John Sherman has well observed, "There is no objection that can be urged against the income tax that I cannot point to in every tax."

I have already shown that by the method of stoppage-at-source, the great bulk of an income tax; that is, four-fifths of it according to Lawson Purdy can be collected without evasion, inquisitorialness, or any of the evils attributed to it. The negative, by showing us on the excellent authority of John Moody, that 80 per cent of the wealth of the country is in the hands of the corporations, only emphasizes the point that I have made before; namely, that the industrial conditions in the United States are peculiarly adaptable to the use of stoppage-at-source. Furthermore, when they tell us of the great efficiency of the present corporation tax, they only prove that an important step has already been taken towards this method of collection.

All that is needed to complete it, is to restore to the Federal Government the power to levy an income tax, in order that Congress may be able to reach by stoppage at the source, not only the income of corporations, but also the income of the investors, of the corporation and governmental employees, and of professional men.

We ask, therefore, that because it will bring about justice in taxation, because it is valuable as an emergency measure, and because it is a practicable system of taxation, that the power to levy an income tax be restored to Congress.

THIRD AFFIRMATIVE REBUTTAL, E. R. BURKE, 2L, HARVARD

Mr. Chairman, Ladies and Gentlemen: The closing speaker on the negative side has eliminated from the discussion all the minor objections that have been urged

against our proposal, and now he opposes it for two reasons only. The tax cannot be made to work, and even if it could we have no need for it. In attempting to establish the first of those objections the negative have pointed out certain difficulties, and enlarged upon the defects of different kinds of an income tax. But they have failed to prove, what of necessity they must in order to maintain their point, that in the very nature of the income tax lie such inherent difficulties that a wise Congress could not in the course of years work out a practicable method of collection. Other countries are using the tax with success. Under adverse conditions it was productive of a large revenue during the Civil War. Today with wealth so largely concentrated in corporate form, and these corporations now brought under the supervision of Congress, the principle of stoppage at the source can be applied with extraordinary effect, and evasion reduced to a minimum.

Finally, we have shown four reasons that make it absolutely necessary that we restore to the Federal Government this power which it held for so many years, and of which it was deprived by the deciding vote of a single judge.

It is a power that may be vital to the nation in time of emergency. Even though our opponents are unable to foresee such a time of stress, they must admit that the possibility remains, and it is the part of wise statesmanship to be prepared for such an occasion. We need a federal income tax, in the second place, as the only hope by which our antiquated and oppressive personal property

taxes can be exterminated. We need it as the only possible means of making the corporation tax do its work. In spite of all that the previous speaker has said the bonds of corporations are not taxed fully, and cannot be, until Congress has the power returned to impose an income tax without apportionment. Finally we need an income tax because accumulated wealth is escaping its just share of tax contribution. Too long has the tax upon necessities drained from the pockets of the poor. A part of that load must be lifted, and the only way to do it is to give Congress the power to tax incomes without apportionment among the states.

FIRST NEGATIVE SPEECH, H. H. BREELAND, '12, HARVARD.

Mr. Chairman, Ladies and Gentlemen: "That the Federal Government should not have the power to impose an Income Tax not apportioned among the states according to population," is the proposition which we of the negative shall try to maintain.

Upon the very threshold of our remarks this evening, let us spend a moment in an effort to ascertain just what the real issues in this discussion are. The constitutional provision that direct taxes shall be apportioned among the states according to population, taken in connection with the decision of the United States Supreme Court that an income tax is a direct tax, makes an amendment to the constitution an absolute necessity if this proposed power is to be conferred upon Congress. Without altering in the slightest, then, the

significance of this question, we may state it in more specific language, as follows: Resolved, That the Federal Constitution should be so amended as to empower Congress to impose an income tax not apportioned among the states according to population.

Now, if we can succeed in showing, first, that the Constitution should not be amended until the power conferred by that amendment should be immediately exercised, and secondly, that the power to impose an income tax should not be immediately exercised, then we shall have completely sustained our contention that the proposed amendment should not be enacted and the proposed power not conferred. This we confidently believe we are going to do. Upon these two simple propositions we take our stand.

Our first contention that the constitution should not be amended until the power to be conferred by that amendment should be immediately exercised is almost a self-evident truth.

The constitution is the fundamental, organic law of the land, the foundation upon which our whole government fabric rests. Where a nation erects a government upon such a fundamental law, that nation must of necessity proceed on the assumption that this law is adequate to all its needs, both present and future, until conditions have actually arisen which demonstrate its inadequacy. The presumption must be in favor of the constitution, and the only way in which to overcome that presumption is by showing that the government is face to face with an actual, present condition which the constitution

fails to meet. The argument that a power should be conferred upon Congress by constitutional amendment in view of certain contingencies that may arise in the future completely reverses the fundamental presumption underlying our theory of government and degrades the constitution to the pitiable position of having to demonstrate, at every turn, its own right to existence. The burden of proof must rest upon those who advocate a change in the fundamental law to show, not merely that such a change may be necessary in the future, but that it is an imperative necessity now. If the constitution may be amended out of regard to possible conditions that may arise in the future, there is absolutely no power that may not be conferred upon Congress by the same logic. For who knows what changes in our government may become necessary to meet conditions because they may possibly be needed in the future? Reason answers, no. The negative lays it down that the only sound principle of constitutional amendment is: amend the constitution when, and only when, the power to be conferred by that amendment should be immediately exercised. Unless a federal income tax should be imposed now, the power to impose such a tax should not be conferred upon Congress.

But the gentleman from Princeton tells us that they are not pleading for a new federal power, but merely for the restoration to Congress of a power which the framers of our constitution gave to that body but which the Supreme Court, by its decision in 1895 that an income tax is a direct tax, took away. This notion that the

founders of our government thought an income tax not a direct tax and that, therefore, they gave to Congress this power in question in the general grant of taxing power, rests upon a total misapprehension of the facts. What are the facts? There never was an income tax in the lifetime of any of the founders, and no court was ever called upon to decide whether an income tax was a direct tax until 1880. In the constitutional convention Mr. King rose and asked just what precisely was a direct tax but no one replied. In the Hylton case of 1796—the case always relied upon to show that the fathers thought an income tax not a direct tax—Justice Patterson used the following language: “Whether direct taxes in the sense of the constitution comprehend any other tax than a capitation tax and a tax on land is a questionable point.”

Justice Chase, in the same case, said: “I am inclined to think, but of this I do not give a judicial opinion, that the direct taxes comprehended by the constitution are only a capitation tax and a tax on land.” Do these doubtful, hesitating expressions, not of judicial but of private opinion establish anything? As a matter of fact, ladies and gentlemen, we can never know with absolute certainty just what taxes the framers of the constitution did or did not mean to comprehend within the term, “direct taxes.” But however doubtful that may be, there is one thing we most assuredly do know. Those very founders, foreseeing that just such disputes over the meaning of the constitution would from time to time arise, and knowing that the permanency of

our government demanded that such disputes be settled once for all, established a tribunal, the Supreme Court of the United States, and constituted it the ultimate arbiter in all questions of constitutional interpretation. That court declares that in the meaning of the constitution an income tax is direct tax, and that declaration is as integral a part of that instrument as any other. But you ask, "Are we to be bound by the Supreme Court?" We reply, "Are we to be bound to the constitution?" for administratively speaking the constitution is nothing more or less than the interpretation which the Supreme Court places upon it. A principle of constitution amendment, then, that applies to any part of the constitution must apply with equal force to the direct tax clause as interpreted by the Supreme Court. That principle as we have seen it is: Amend the constitution when and only when the power to be conferred by that amendment should be immediately exercised. The argument of the gentleman from Princeton that this amendment should be enacted because it merely restores to Congress a power given them by the fathers is, then, not well founded.

The conclusion we have reached that the power to impose an income tax should not be conferred upon Congress unless that tax should be imposed now, is not invalidated by the mere possibility of a future war. The initial expenses of such a war would have to be met as they have always been met, by the issue of bonds; for an income tax, if we had one, could not be immediately responsive. In the Civil War only 1.6 per cent

of the expense was borne by an income tax, while 65 per cent was met with loans.

The Spanish-American War was financed without the slightest need of an income tax by a sale of bonds and a slight increase in the internal revenue taxes. The internal revenue alone, in the last year of the Civil War, yielded over three hundred million dollars and, owing to the enormous increase in wealth and consumption, could be made to yield many times that amount now without being nearly so burdensome as it was then. Internal revenue falling as it does upon luxuries and not upon necessities does not oppress the poor. Prof. Neumann, the distinguished German economist, has found by actual statistics that an increase in this tax has taken a larger per cent from the incomes of the rich than of the poor. Much of it falls upon tobacco and liquors, and those who do not use these articles certainly can make no objections to the tax, while those who do use them have demonstrated time and again their complete willingness to pay it on the ground that it's well worth the cost.

Surely with these resources of bonds and internal revenue at the nation's command, there can be no justification for going to the extreme of changing the very foundation of the government to provide for a war that may never arise and that could be provided for after it had arisen. Securing an amendment to the constitution is not necessarily a long and difficult process. It can be done quickly if there is popular demand for it, and the people will demand it if the nation should become in-

volved in a war of such long duration as to make resort to an income tax necessary.

These considerations, we believe, completely sustain our first proposition that this amendment should not be enacted unless an income tax should be imposed now. This leads us to our second proposition that an income tax should not be imposed now. We shall attempt to sustain this contention on the grounds that this tax is not necessary, is totally impracticable, and has within it grave dangers to our government. My colleague will dwell upon its impracticability and its dangers, while I shall try to show that it is not necessary as a revenue measure.

The gentleman from Princeton has urged the necessity of this tax because the deficit which the national treasury faces shows the inadequacy of our present system of federal revenue. But the fact that the treasury has faced a deficit is no cause for alarm; twenty-six per cent of the years of our history have been deficit years. What is a deficit of a hundred million dollars to a nation with exhaustless resources? In 1867 there was a deficit of over six hundred million dollars, but the national treasury was soon replenished. But it is said that we had an income tax then. True we did, and it yielded the fabulous sum of \$300,000,000 in ten years.

President Taft in a recent speech declares that the tariff has already yielded \$31,000,000 more than it yielded for the same length of time last year, and he predicts a surplus in the treasury by July, 1910.

We have shown, ladies and gentlemen, that this pro-

posed amendment to the constitution should not be enacted unless an income tax should be imposed now. We have shown that the force of this conclusion is not in the least weakened by any considerations of what the idea of the framers of our government was, or of the mere possibility of a future war. We have shown further, that this tax should not be imposed, now, for it is not needed for revenue. When my colleagues will have shown that this tax is utterly impracticable, breaking down completely in administration, and that it is aggressively dangerous to our government, the force of our conclusion will be irresistible.

A little more than a hundred years ago, our fathers laid the foundation of the American government in the Federal Constitution. Upon that broad and solid basis supported, as it is, by pillars hewn from the quarry of eternal truth, there has been erected the most splendid government fabric the world has ever seen. Wherein lies the secret of our marvelous history? It lies in the fact that our fathers established this government upon eternal principles of political truth—the Constitution—and that this instrument has remained intact, undisturbed by the vision of political dreamers, unchanged save when changed conditions made amendment a necessity.

The negative lifts its voice in protest against any change in these principles, and until the affirmative has shown a real need for an income tax, until they have shown that it is practicable and that it has not those grave dangers which my colleague will point out, the position of the negative that this amendment should not

be enacted and this proposed power not conferred will remain unshaken.

SECOND NEGATIVE SPEECH, J. DE M. ELLIS, 2L., HARVARD.

Mr. Chairman, Ladies and Gentlemen: The negative opposes a constitutional amendment giving Congress the power to levy an income tax because we believe that the Constitution should not be amended until there is urgent and immediate need. We have shown that no such necessity arises from the present deficit as warrants the proposition of the affirmative. Nor is their contention justified by the possibility of a war demanding an increase in our federal resources.

It is evident that our argument thus far has reference only to the granting of the power to Congress. We must now turn to the now vital question of the exercise of the power and examine the case, assuming that a necessity does exist, and that Congress has the power to levy an income tax not apportioned among the states according to population.

We propose to show that this power is of such a nature that its exercise is not suited to our present governmental conditions, and that the income tax when actually put into practice must be either unproductive or must destroy our democratic institutions.

Our Federal Government is one of delegated powers. Within its own sphere it is supreme, but aside from the power granted it by the state the central government is powerless. This is a fundamental principle, and any proposed power to be given to the Federal Government

must conform to this principle. In the relation of the state to the individual, the tendency has always been away from centralization, until it has become a general doctrine in the United States that the Federal Government shall come into contact with the individual to as slight a degree as possible.

When we come to apply this principle to the levy and collection of an income tax by the central government, we find that the political theory and the necessity of the tax are wholly incompatible. It is in the very nature of the income tax that the government shall come into the closest possible relationship with the individual, that its officers shall have the power of inquisition into his business affairs.

In short, the levy of an income tax demands that our government shall be highly centralized.

Whether or not it is desirable that we have a highly centralized government is beside the question. The fact remains that we have not such a government at the present time. It is into such a government as exists today that the affirmative must inject their power; it is under the existing conditions that the power must be exercised, and its successful administration will depend upon the nature of that form of the government that is to exercise the proposed power. In short, it is difficult to see how a tax requiring a highly centralized form of government for its successful administration can hope to be efficient in a government that is essentially decentralized.

We have seen that the federal income tax is not compatible with the theory of our dual form of government.

Turning from the political aspect of the collection of the income tax, we must examine its actual operation under any governmental conditions. It is in this direction that the strength or weakness of the affirmative case must become apparent. If we are to grant a power to Congress, it must be such a power as can be successfully exercised. It will not be contended that Congress should have the power to levy a tax if that tax is of such a nature that it cannot be efficiently collected. The administration of any tax depends largely upon the subject of taxation. When property is of such a tangible nature that it can be levied upon with comparative ease, the administration of a tax upon that property is simple. But as property becomes less tangible the difficulty of levying and collecting a tax upon it increases. Thus it is comparatively easy to collect a tax levied upon land since its ownership is obvious. A tax upon watches is more difficult of collection. But a tax upon personal services is impossible, both of levy and collection.

A further distinction must be made as to the nature of a tax upon property and personal services. While a tax levied upon land values may be a simpler matter, a tax levied upon the income derived from land values is more difficult of collection. Thus an official may appraise a piece of land as worth \$10,000 and the tax be levied upon this valuation. But when the official must determine the income actually received from this land, he is confronted with a problem of increased complexity. He cannot say arbitrarily that this land should earn six per cent and levy upon the resulting income. The pro-

posed tax involves a determination of the income actually received. And since 'gross' income cannot represent "ability to pay," there arise innumerable difficulties in determining the various items to be deducted from the gross return in order to arrive at the net income, which must be the basis of assessment.

It is apparent, therefore, that the collection of a tax becomes increasingly difficult as the subject of taxation loses its tangible character, and as we tax the income from the value rather than the property itself.

When we examine the income tax, we find that it proposes to levy upon all the income derived from all property. Thus it embodies a tax upon the most intangible and unreal subject of taxation that has been proposed, attempting to reach not only the most intangible forms of property but a derivation from property that is still more unreal. The advocates of the tax have been content to assure us that it will be collected in some way, or they have entirely ignored this phase of the question. There are only three possible methods of levying and collecting a tax upon incomes. Either the individual must declare his income, or a trained body of officials must ascertain the amount of income, or the two methods must be combined. As the last must embody all the features of the first two methods, we may leave it out of consideration, and any fact concerning them must apply with double force to this method.

A tax that depends upon personal declaration for its assessment must be both unproductive and unjust. A man will not declare more property than he is compelled

to because it is against his immediate interest to pay a large tax. If we are to depend upon this method of levying a tax we shall receive only a part of our revenue, and this part will be upon that form of property which a man cannot conceal, his tangible property. The intangible property, the subject of the income tax, will be so successfully hidden that very little return would be received.

Grave injustice would result from the scheme of personal declaration. Deplorable though it may be, it is true that there is a large class of our population who do not come forward with an absolutely honest return when it comes to questions of taxation. It is only necessary to consider the elaborate schemes at present in vogue by which men defraud the government of millions of dollars which should be collected from the most tangible forms of property, to see what would be the result under an income tax. If only the honest pay under such conditions, it is probable that even these few will disappear under the temptations of a system that allows a man's total income to be concealed in his pocket and carried away or stored in a safety deposit vault where none may see.

The levying of an income tax according to this method means that there will be an inadequate return to the government and that the honest will pay while the dishonest go free. And it must be remembered that no form of collection has been devised in which this system has not some part.

But if we are to ascertain a man's income by means

of official assessors and collectors we are confronted with even greater difficulties. There are always some forms of income that can be determined only by personal declaration, as the income from personal services, and these invariably form a large part of the natural income. This method would be unproductive either through corruption or laxity. Nothing is better known than the frauds practiced by officials at present in assessing taxes.

Great corporations, bribing, pay a very small proportion of their just tax; whole districts in our cities are assessed at a lower valuation than any one imagines is just, because their alderman has a "pull," or the official through mere carelessness and laxity will fail to make a diligent search for property, or will fail to give a fair valuation. These things exist today and they are grave evils. The income tax would only increase the possibility of fraud and carelessness of ascertaining what property a man had.

We have had experience with these methods of collecting an income tax, and the lesson should prove a warning to us. During the Civil War, an income tax was tried under most favorable circumstances. People were fired by patriotism and a greater proportion were willing, even anxious to pay taxes than ever before. Yet in the decade from 1861 to 1871 only \$350,000,000 was realized from the income tax, an amount equalled in any three years by the returns from either the internal revenue or the custom duties. As a revenue measure in times of emergency, its efficiency may be judged by the fact that during the actual period of the war from 1861-

1865 the income tax yielded only 1.6 per cent of the total expenses, as against 7.6 per cent from the customs duties and 9 per cent from the internal revenue. The income tax contributed to the total amount of taxes raised during this period only 9 per cent as against 42 per cent from the customs duties and 49 per cent from the internal revenue.

But not only has our experience shown that the income tax is unproductive, its manifest inequality is evidenced by the number of people who paid the tax. In 1868 when the exemption was \$1,000 out of a population approximately forty millions, only two hundred and sixty thousand persons paid an income tax or roughly, 6 per cent.

Two years later, when the exemption was raised to \$2,000, only one hundred and sixteen thousand, or 3 per cent of the population could be discovered who were able to pay a tax on their incomes. As Mr. Laylor aptly puts it, "This is not taxation. It is plain confiscation."

But more dangerous than the unproductiveness and the inequality of the income tax in practice is its evil political influence. In the United States, the tax collector is an unwelcome guest. We are not accustomed to having a government official peering over our shoulder to watch our daily transactions; our people have never felt the hand of the government in their pockets. If we are to have an official collection of this tax, and this in some form is inevitable, it will mean that in the national capital there will be a central body of taxing officials, in every state a subsidiary board. It

will mean that a trained body of tax gatherers will go throughout every county, city, into every house of business, into our very homes in the unending search for the elusive income *they must find*. It will mean that every transaction that in any way savors of money must be open to the scrutiny of the tax gatherers. Nor is this a fiction of imagination. Congress in 1894 made just such a provision for collecting the income tax. It provided that at stated intervals the gatherers should go throughout their districts ascertaining incomes; that accounts should be open to their view, that business transactions should be scrutinized. And if the information was refused, or there was doubt as to its correctness, then the tax gatherers could inquire of a man's neighbors, or by any other means ascertain his true income.

This is what has been done in the past. Congress, under the impression that it had the power, attempted to impose such a law, and the same kind of a law will be passed. This is the power the affirmative asks us to give to Congress. We are asked to amend the constitution. The affirmative would give Congress the power to fix upon this country the perfect system of officialdom that the administration of an income tax necessitates. Such an official inquisition might find favor in the Russian bureaucracy. It may find toleration in monarchial Germany, even aristocratic England may countenance it. But democratic America will never submit to a bureaucracy of tax gatherers that is not only contrary to our political ideals but inimical to our democracy itself.

THIRD NEGATIVE SPEECH, H. M. POTTER, '10, HARVARD.

Mr. Chairman, Ladies and Gentlemen: The negative originally laid down the proposition that the constitution should not be amended until the power to be conferred by that amendment should be immediately exercised. We believe that the power to impose a federal income tax should not now be exercised, because, as we have endeavored to explain, it is unnecessary, and it is impracticable.

But even if no great constitutional principle were at stake, even if there were a necessity for the income tax, and even if it had been shown to be amenable to collection, still the proposition of the gentlemen from Princeton must be rejected. The tendencies of the times, coupled with the extreme power which this amendment would confer upon Congress, would inevitably and immediately create two tremendous dangers, which would threaten the prosperity—aye, even the life of this republic. The tendencies to which I refer are those of public extravagance and the divergence of sectional interests, and the dangers of which I speak are those of an increased reckless expenditure on the part of the Federal Government, and the vicious complement thereto—class legislation.

It is an accepted dogma, that to fail to be economical is to fail to be moral. In this respect the American people are highly immoral, for our lavish extravagance has become the wonder of foreign nations. This tendency is no more strikingly illustrated than by the an-

nual anomaly, with which we come face to face, of a billion dollar session of Congress. It sounds quite satisfying to say that we are a billion dollar nation, but when we look back and find that our expenditures have almost doubled in a short decade, and learn that we now expend more than ten dollars a year, over and above all state and local outgo for every man, woman or child within the country, we must realize that we really are spending too much money. I am aware that we have undertaken a system of national defense which requires great outlay; with that I do not now find fault, for the upkeep of an army and a navy is a national affair. But I do complain of certain kinds of expenditures so numerous each year, in the making of which the Federal Government introduces itself into that sphere properly reserved to the states. Such expenditures, for example, are those for the irrigating of countless arid fields in the West, and for the dredging of numberless little streams all over the country, streams which were never intended by nature to bear a rowboat upon their surfaces. Such expenditures as are the direct outcome of that abominable legislative practice termed log-rolling, and as are incorporated in the so-called omnibus bill, and rushed through Congress on the last day of every session, without having been given so much as a glance by most of those who vote upon the bill.

When the leader of the administration in the Senate, Mr. Aldrich, can stand upon the floor of that chamber and declare that the Federal Government should be administered for an amount \$300,000,000 less than that

which is now annually expended, and not have his approximation disputed by any considerable number of public men; when, furthermore the President of the United States goes to the extreme end of declaring as he did in his Newark speech of February 23, that "everyone familiar with governmental methods now in vogue must recognize the possibility of reforms leading to great economy." I say, when these evidences are before us, it seems a waste of time to recite further instances of useless expenditures, to prove their existence. Everyone must realize the ridiculously benevolent attitude which Congress has assumed—of malice toward none and an appropriation for all.

With a Congress of this complexion, then, it is no cause for wonder that a deficit appears. Do they—as any sensible business man would do, as any well conducted firm would do—seek to discover the cause of the unnecessary leak, or endeavor to reduce the expenses of conducting the business? Oh, no. Like spoiled children, they begin to cry for more money, to beg for a new taxing power; and the gentlemen of the affirmative would humor their whims and encourage their extravagances. They would turn over to Congress a new and unlimited power of taxation. They would throw wide the doors to the richest storehouse of wealth this nation knows; they would give to Congress the power to thrust its hands into the pockets of the capable, the energetic, the wealthy men of this country, and expend that bounty for the benefit of all alike—a total disregard for that institution for the protection of which this government was

established—the institution of private property. Is that the way to reduce our expenses? Is that the way to secure a conservation of our resources? Is that the way to instill into the hearts and minds of the members of our national appropriating body the fundamental truth, that, in a republic, the strength and simplicity of the government depend upon the economy of its administration? To confer this new power upon Congress could but enhance our already too great tendency to the path of extravagance leading directly to eventual decadence. This is the first great danger in the income tax amendment, and it suggests the second—class legislation.

In the bestowing of a new power upon Congress it behooves us to discover, not so much what Congress ought to do with that power, as what Congress is most likely to do with it. Why was it that the fathers and framers of the constitution saw fit to insert this direct tax apportionment clause in that document, thereby refusing to deposit complete and unlimited power of direct taxation in the hands of Congress? They must have had a reason for so doing. Yes, and a good one. They foresaw that, with the inevitable growth of this country to the south and west, and under majority rule and universal suffrage, that sooner or later the representatives from the newer sections were bound to outnumber in the Senate those from the older states, and, in all probability, in the House. So they adopted this clause as a protective safeguard for the minority against the majority, under a democratic form of government practicing universal suffrage. And well did they foresee.

For no longer ago than the year 1894, an attempt was made upon the part of the majority to unduly tax the minority. In that year, President Cleveland recommended the passage of an income tax, not, as he distinctly stated in his message to Congress, for the purpose of raising revenue, for the other means of taxation were sufficient to meet the needs. His purpose was to redeem a party pledge. The bill was introduced in the House by a Western Representative, also in the Senate, and it was passed by the unanimity of the Western and Southern votes. But the most remarkable thing about that bill of '94 was that the exemption from paying the tax was placed on incomes as high as \$4,000, without a precedent in this or any other country. We had not known an exemption higher than \$2,000. Four thousand dollars, mind you, when such an income, at the average rate of interest of five per cent, represents an accumulation of \$80,000! Is a man in that condition a suitable object of charity, for exemption from taxation is nothing less than charity? There could have been but one object in imposing such a high exemption in the tax of '94, to permit the citizens of one section of the country, although well able to pay something, to shift the burden of the income tax upon the citizens of another section of the country. Everyone must have remembered that, under the income tax of the Civil War with its low exemption, four-fifths of the whole had been collected from the three eastern states of New York, New Jersey, Massachusetts, and one-third of the whole was to come from the state of New York alone. The

Senators and Representatives from the Eastern States realized the excessive burden which this income tax would place upon the people of their section, and they protested. But to no avail. The majority rules in our Congress, and the majority came from those states which would not have paid a majority of the dollars to be collected under this income tax. The President recognized the iniquity of the bill, and he refused to sign it. It became a law without his approval, and the people of the eastern states were saved from the injustice of the measure only by a timely decision of the Supreme Court declaring it to be unconstitutional.

I care not, for my present purposes, whether there is a Congressional division of East against West, or whether the wealth has been accumulated in the North or in the South. It nevertheless remains an indisputable fact that when you confer upon Congress the power to impose an income tax not apportioned among the states according to population, you give to the poor the power to tax the rich without limit, you set up for spoliation, at the hands of one class, another class which has attained its position by ability, thrift and industry.

That's class legislation! Class legislation of the most vicious sort, of the sort against which there stands that monumental warning of the result of inequality in taxation—the French Revolution.

The negative pleads for the avoidance of these tremendous dangers of public extravagance and class legislation. The negative pleads for the maintenance of our constitution in its fundamental parts just as it is, until

there has arisen a necessity for its change. The Negative pleads for the retention of our present system of taxation, imperfect though it may be, until there has been presented for our consideration another system which will compare favorably with the old one in practice, and which can be shown to some reasonable degree to be capable of collection. How the income tax is to be collected still remains a vague and unfathomable problem.

FIRST NEGATIVE REBUTTAL, J. DE M. ELLIS, 2L., HARVARD.

Mr. Chairman, Ladies and Gentlemen: The case of the affirmative presents a struggle to answer the two questions: "What is the necessity for the power to levy an income tax?" and "How is such a tax to be collected,"

Their attempts to find a necessity have been a constantly retreating sequence of positions each weaker than the former. The first position taken was that the present deficit demanded an immediate increase in revenue that could only come from an income tax. But we have shown that this deficit is no cause for alarm as 26 per cent of the years of our history have been years of deficit. Upon each occasion the country has retrieved itself, and there has been no halt in our national growth. We have shown, also, that upon the authority of the present administration this deficit under present conditions will disappear within a year. Federal revenues are increasing, showing this year a large surplus over the returns for a corresponding period last year.

But even if this deficit did exist and could not be cov-

ered by our present system it does not follow that we must have an income tax. We have pointed out the extravagances of Congress, how it is prone to spend all its money and then cry for more. The affirmative would give it more money to play with, would open to it the entire store house of private property. It is strange that the idea of economy has never been thought of. Yet that seems a more plausible solution of a deficit problem than giving Congress additional revenues.

Finding no true necessity in the present deficit the affirmative have shifted their ground and say that we need the power in order that we may use it in case of war. There is nothing at present to indicate a war in the near future. But even if there were such a possibility we have shown that the income tax is a most inefficient measure. A tax that yields only 1.6 per cent of the revenue needed is a weak prop in an emergency. A tax that has only yielded nine one-hundredths of the revenue received during a war period can scarcely be counted upon to aid our country in the crisis of war.

Retreating from this position the affirmative stand in the last ditch and declare that it is only reasonable and just that Congress be given all taxing powers. The only attempt that has been made to explain how the income tax is to be collected is a reference to the method of "stoppage at the source" now used in England. Even could this plan be operated in the United States there would still be approximately one-fourth of the incomes, those from personal services, that can only be reached by personal declaration, and all the objections to that

method would apply as to this one-fourth. As to the remainder, "stoppage at the source" is the complete working out of the method of official collection and is subject to all the objections found to obtain against a bureaucracy of tax gatherers.

But a more serious objection arises to this method. The great advantage pointed out as to the income tax is that it makes men pay according to their ability. Now a man's ability to pay is measured not by his gross income, but by his net income. "Stoppage at the source" makes no attempt to levy upon an individual's net income. In fact, the tax is collected with no reference to the individual's ability to pay but upon the gross sum of money he receives in a given time, thus doing away with the idea of paying taxes according to ability.

And yet the affirmative urge that their proposition is reasonable. We maintain that nothing could be more unreasonable than to grant a power to Congress when there is no necessity for that power, that it is not reasonable to give Congress a power that it cannot exercise, to levy a tax that cannot be collected. We believe it the height of folly to amend the Constitution upon such doubtful grounds as are urged in favor of the income tax.

SECOND NEGATIVE REBUTTAL, H. H. BRELAND, '12,
HARVARD.

Mr. Chairman, Ladies and Gentlemen: The gentlemen of the affirmative have expressed surprise at the fact that the Constitution has been brought into the dis-

cussion. It is at least pertinent to inquire why he introduced the subject if he is so surprised at its being raised. Is he surprised at his own argument? In his opening speech, the gentleman will remember he argued that this income tax power was originally given to Congress by the Constitution, that it was, in effect, taken out of the Constitution by the Supreme Court in 1895, and that, therefore, this power should be restored to Congress by an amendment to the Constitution. Yet, ladies and gentlemen, he says he is surprised that any reference has been made to the Constitution at all!

The second speaker for the affirmative in attempting to refute our argument that the Constitution should be preserved intact has asked "Why be bound down by a blind, legal document?" We shall say in reply only this, that when one dismisses all constitutional considerations by merely denouncing that instrument as a "blind, legal document," he had better be careful lest he awaken the suspicion that he has located the blindness in the wrong place.

You have been told by the affirmative that the direct tax clause was merely a compromise over slavery and by virtue of the abolition of that institution is now obsolete. We admit that this clause was a compromise over slaves but not over slavery—over persons, but not over an institution. The abolition of slavery, then, so far from rendering the compromise obsolete has made it all the more necessary. If there was need of a clause to prevent the more populous states from taxing unduly the smaller ones, when five negroes counted for only three

whites, how can that clause be obsolete when five negroes count for five whites? The North feared that she would be unjustly taxed by the South if slaves were counted as a basis of Congressional representation, but at last a compromise was effected by which the South was given representation for three-fifths of her slaves and direct taxes apportioned according to population. In this way, the state that had more representatives in Congress and hence more power to levy taxes would also have to bear those taxes they levied in proportion to their greater influence in having it imposed. This protected the smaller states against the unjust taxation by the large ones. The necessity for such protection is certainly not lessened by the abolition of slavery and the consequent increase in the size of the basis of representation in Congress.

The affirmative has rested its whole case on the need of an income tax for revenue and for bringing about justice in our present system of taxation. If we can remove these two supports, their case will be "suspended in the air." Our argument already advanced, that we do not need an income tax for revenue, has not been successfully controverted. The present deficit is being used as a bug-bear; compared with deficits in other years, it is small. The president predicts an early surplus.

As for bringing justice, a system of taxation which falls on such a small per cent of the population, which sets up one section of the country for taxation by the other cannot be called just. This tax is grossly unjust, for from its very nature it falls heaviest upon the most honest. Indeed, no one will ever pay an income tax ex-

cept those who are too honest or too stupid to evade it. It is a tax on honesty, but ladies and gentlemen, honesty ought not to be taxed; it's one of our infant industries and ought to be protected.

THIRD NEGATIVE REBUTTAL, H. M. POTTER, '10, HARVARD.

Mr. Chairman, Ladies and Gentlemen: The gentleman preceding me has correctly stated that sectional prejudice has arisen under our present taxation system, and he has correctly inferred that "gentlemen from the south" are able to realize the existence of such prejudice as well as sane persons from any other section of the country. But the negative has not undertaken to defend the present system. We only attack the income tax, because it would clearly tend to increase the sectional prejudice which is already too widespread. We cannot see the wisdom in endeavoring to put out the fire by heaping on more fuel.

Here, then, is the position of the negative. We originally laid down the proposition—and it has remained undisputed—that the constitution should never be amended until the power to be conferred by that amendment should be immediately exercised. We then submitted the belief that the power to levy an income tax should not now be exercised, because it is unnecessary, and because it is impracticable. It is unnecessary to meet a current deficit, for that deficit is negligible. It is unnecessary as a war emergency, because our most recent conflict—the Spanish-American war—was admirably financed without an income tax.

It is impracticable, in that it must be collected by one of two objectionable methods:—the first, a bureaucratic army of tax gatherers, the very presence of whom in any community would be abhorrent to the instincts of an American citizen; the second, voluntary declaration, which would obviously lead to wholesale evasion. In short, the income tax cannot be efficiently collected. Then we have tied to their proposition two tremendous weights, from which the affirmative cannot shake loose the income tax—those dangers of public extravagance and class legislation.

The negative believes that we should avoid such dangers as long as it is possible. The negative believes that we should never adopt a new form of taxation which does not even compare favorably in practice with our present defective one; a new kind of tax which is not subject to collection to any reasonable degree. The negative believes that we should retain intact in its fundamentals that sacred safeguard of the American people, that bulwark of the American republic—the Constitution—until there has arisen an actual crying necessity for its amendment. That necessity the negative is unable, by any stretch of the imagination, to discern.

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THE INCOME TAX

II

CHICAGO UNIVERSITY vs. MICHIGAN UNIVERSITY AND NORTHWESTERN UNIVERSITY.

The Central Debating League comprising Chicago, Michigan and Northwestern Universities meets in debate at each school in January of each year. The Affirmative teams debate at home and the Negative teams visit. On January 29, 1911, all three Affirmative teams won, making a tie for honors. The question debated was stated as follows:

Resolved, That the Federal Government should levy a graduated income tax, constitutionality conceded.

Chicago met Northwestern at Mandell Hall (C. U.), winning, and Michigan at University Hall, Ann Arbor, losing. The debates which follow were reprinted from a pamphlet issued by the Chicago Chapter of Delta Sigma Rho.



THE INCOME TAX

CHICAGO vs. NORTHWESTERN.

FIRST AFFIRMATIVE, EDWARD E. JENNINGS, '12, CHICAGO.

Mr. Chairmen, Honorable Judges, Ladies and Gentlemen: Our question means that Congress should levy a tax upon incomes, so graduated that small incomes are exempt; moderate incomes bear a low rate and larger incomes bear a higher rate of taxation. This question is of immediate interest. An amendment to the Federal Constitution is now before the various states. Six states, including our own state of Illinois, have already ratified this amendment and the chances are that most of the rest of the states will do the same.

The income tax is not a novel, theoretical, nor untried scheme, but it is old and well established. Fourteen foreign nations at present are using some form of an income tax. England has used it for one hundred and ten years. These nations vary in size from the German Empire to little Holland. The rate varies from two per cent in Italy to sixty-eight per cent on incomes over fifty thousand dollars in Japan. The amount exempted varies from fifty dollars in Japan to eight hundred dollars in England. The temperament of the people varies from that of the stolid Swede to that of the mercurial Frenchman. In short, each of these nations levies an

income tax in a form best suited to its own size, needs, and temperament of its people.

Our Federal Government used it as a Civil War measure. Congress again placed it upon the statute books in 1894, but the Supreme Court declared it unconstitutional. The fear of a similar fate prevented its being made a part of the Payne-Aldrich Tariff Bill, but popular demand forced Congress to submit the Sixteenth Amendment to the states, which would forever set at rest the question of its constitutionality.

We of the affirmative base our case in support of this tax upon three propositions:

First—We need another tax as a supplement to our revenue system.

Second—This should be a tax on incomes graduated, and levied by the Federal Government.

Third—Such a tax can be levied and collected beyond the shadow of a doubt.

I. It is my purpose to show that the United States needs another kind of tax. Our present revenue system is deficient in two ways. In the first place it is unstable and inelastic. It has an embarrassing faculty of piling up surpluses at times and giving way to deficits when it is most needed. The treasurer's report shows a surplus of \$111,000,000 in 1907, followed by deficits of \$20,000,000 in 1908, \$119,000,000 in 1909, and \$19,000,000 in 1910. Here are three deficits in succession, and President Taft in his recent message predicted a deficit for the coming year. In the twenty years since 1890, according to the statistical abstract of 1909, we have had

ten deficits and ten surpluses. The surpluses have aggregated over \$500,000,000, or \$50,000,000 a year. The deficits aggregate \$650,000,000 or \$65,000,000 a year. With a revenue so fluctuating and undependable it is impossible to make our receipts and disbursements balance. These surpluses and deficits can be estimated with a fair degree of accuracy, but the tariff and internal revenues are so rigid that Congress is powerless to prevent them. But these taxes could be adjusted so as to furnish the major portion of our revenue, and if supplemented by an elastic income tax, Congress, after determining the legitimate expenditures of the government, could raise the proper amount of money to meet them.

According to statistics from the Department of Commerce and Labor, England by adjusting her income tax keeps her receipts and disbursements within \$4,000,000 of balancing. Japan, with a protective tariff similar to ours supplemented by an income tax, keeps almost an exact equilibrium between receipts and disbursements. The statistical abstract shows a surplus of only \$4,000 in a budget involving \$600,000,000.

Then again, with an income tax supplementing our present revenue system we would have the machinery in operation to meet any emergency that might arise. The slight financial flurry of 1908 created a deficit of \$119,000,000 in 1909. Ten years previous to that the Spanish-American War brought on large financial obligations that the tariff could in no way cope with. In 1862 Congress passed an income tax as a war measure, but it yielded almost no revenue until after 1866. after the war

was over and the time of greatest need was passed. If we have the machinery of an income tax in operation it will be possible to expand the rate to meet such an emergency.

II. In addition to this need for elasticity, we need the income tax for justice in the distribution of taxation. The old economic theory of taxation based upon ability to pay has not been improved upon.

Our present federal taxes are taxes upon consumption. In other words, we are taxing people upon what they eat, drink and wear, and not upon their ability to pay. Such taxes are manifestly unjust, because of their burden upon the poor and middle classes. It is estimated that 25,000 people own one-half of the wealth of this country, but they pay very little more of our federal taxes than do any 25,000 people taken haphazard from the middle class. You and I, members of the middle class, consume as much sugar as does the person with an immense income. Thus we pay our per capita share of the \$60,000,000 revenue from sugar, and as a side issue we foster a disreputable and unprincipled sugar trust. The same is true of a high tax upon wool. It takes as much wool for a \$30 suit of clothes for you and me as it does to make a \$200 suit for the millionaire, and the duty is higher upon the cheaper grades. Cotton goods follow the same rule. The tax is highest on the goods of lowest grade. And so we might continue almost indefinitely to verify the general rule that we must have a high tariff upon articles of common consumption—goods that all people eat, drink and wear every day in

the year—in order to raise the enormous amount of money needed by this government. Is it any wonder that the Payne-Aldrich Tariff Bill as a relief measure was an “insult to the intelligence of the common people?” With no other available form of taxation it was necessary to inflict these injustices.

Because of these great defects in our revenue system there is a spirit of discontent with our tariff schedules that cannot be stifled. The voice of the people in the last election was unmistakable. We maintain with confidence that our tariff schedules are going to be reduced. The people will not stand for any one per cent reduction or any other such farce. The demand is for a material and decided reduction. The conscience of the people is awake to the injustice and inefficiency of our present system, and a cleaning up is inevitable. Our position is stronger than that of merely stating that our tariff ought to be revised. It not only ought to be revised but it is going to be revised. Such a revision must result in less revenue.

The question therefore arises: Can we get along with less revenue in the future than we have in the past? According to the Department of Commerce and Labor there has been a steady increase in expenditures averaging since 1890, \$100,000,000 for every five years. In 1890 our disbursements were \$297,000,000; 1895, \$356,000,000; 1900, \$487,000,000; 1905, \$563,000,000; 1909, \$662,000,000. It is true that there was a decrease in expenditures of \$28,000,000 last year, but this was due partly to the fact that less money was used for im-

provements than previously and partly to the business administration of President Taft.

The field for saving and cutting down expenses is necessarily limited, both in extent and in time, and everyone must concede that we are going to expand and develop. Not only must the constructive work already begun be completed, but new demands will constantly arise. We therefore not only shall need as much money as we have in the past but we shall need a great deal more. Senator Newlands says that we have an immediate need of \$100,000,000 per year for internal improvements.

How evident, therefore, is our need for reform:

1. With a revenue system utterly devoid of elasticity;
2. With our federal revenue raised entirely by a tax upon what we eat, drink and wear instead of upon ability to pay;
3. With an unmistakable demand for tariff revision that will result in less revenue;
4. With our government halting before constructive work because of lack of funds.

We maintain, Honorable Judges, that there is a definite and immediate need, for an income tax.

SECOND AFFIRMATIVE, PRELIMINARY REBUTTAL, LEW
MCDONALD, 2L., CHICAGO.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The negative charge us with an inconsistency. The gentleman asked how we are to eliminate inequalities in the present system, and at the same time keep

it in operation in connection with an income tax. It is quite evident that indirect taxation is working to the point of exhaustion. The deficits of the last four years indicate that the present sources of revenue are not commensurate with the demands for money. With our federal expenditures weighing down upon us more heavily from year to year, and the agencies of the federal revenue unable to respond to these needs the consistency of our position rests on the expediency of getting the machinery of a federal income tax into operation in order to meet the increasing needs and at the same time offset the regressive tendency of the tariff, which is bound to be reduced to an industrial basis.

MAIN SPEECH.

My colleague has pointed out that the present system of indirect taxation is a tax upon consumption and in no way related to a man's ability to pay.

Since income is the best measure of a man's ability to pay, an income tax is the fairest kind of a tax, and a graduated tax is the best form of an income tax, because it properly distributes the burdens of taxation. It devolves upon me to prove the expediency of graduation. Ability to pay taxes does not increase with the magnitude of the income, but in a peculiar economic ratio which is greater than that of simple proportion. The French economist, Say, illustrates the principle this way: He takes two families, one whose income is 300,000 francs, the other 300 francs, and subjects each to a ten per cent tax. An exaction of 30 francs from the

poor man not only robs him of actual necessities but of things which occasion most distressing inconvenience. A ten per cent deduction from the rich man's income, leaves 270,000 francs, enough to more than satisfy every rational want. Quoting Prof. Say's exact words, "A tax in this case which would be simply proportional would be far from just." Continuing, he said, "I shall go further and say that a progressive tax is the only just tax."

This is the logic upon which we advocate the graduation of a federal income tax. With eighty per cent of this country's wealth owned and controlled by 3,000 estates, corporations, and individuals, we contend that we must measure a man's ability to pay, not by the amount of his contribution to the tax fund, but by the surplus left in his possession. This will determine the justice of our rates.

Our plan of graduation is this—we would exempt incomes under \$2,500 on the ground that this limit most nearly conforms to the minimum of subsistence in the United States. Incomes between \$2,500 and \$5,000 should pay a certain rate; between \$5,000 and \$10,000 a higher rate; for every additional \$5,000 of income we would levy a correspondingly higher rate to twenty thousand dollars, upon which we would assess our maximum rate. For all incomes above twenty thousand, we would have a uniform rate for this reason, that above such point the standard of living in this country is practically the same, and to be consistent with the fundamental rule of taxation we must have a maxi-

mum limitation, which in this case we place at twenty thousand. This plan would be graduated downward. We would assess all incomes at the source. Rent is to be collected from the tenant who pays it, dividends from the corporation which declares them. We would assess all incomes at the source on the basis of \$20,000 dollars at the maximum rate and allow a system of refunds for all incomes below this amount.

We have reached the point in our national development where we must apply this peculiar economic ratio to determine what a man shall contribute to the support of his government. Hence, some of the burden which proportional taxation would place on the man whose salary is \$5,000, would weigh equally heavy on the ability of the man whose income is \$20,000. This may be accomplished by the comprehensive system of graduation which we advocate.

Next, let us prove that this income tax should be a federal tax. In the first place, state and local taxation show the utter break-down of the property tax in the states. The very nature of personal property precludes the states from ever being able to reach it. One man's personal property may include bonds in an Eastern trust company and stock in a half dozen different corporations located in as many different states. Such wealth has no respect for the bounds of a state and as soon as it becomes of an inter-state character, the states are powerless to impose taxes upon it.

A few individual examples will illustrate.

Andrew Carnegie escapes taxation on bonds to the

amount of one hundred and sixty million because he is a legal resident of Scotland. He pays taxes upon an assessment of five million which bears an infinitesimally small relation to his actual personal property estate. Mr. Carnegie, however, pays taxes on his income from these bonds in Scotland. We get nothing. Surely such wealth coming from our own agencies of production should pay tribute to our government. William Waldorf Astor, a member of the English Parliament, has many million invested in bonds of American corporations. He, too, pays an income tax in England, but he pays barely enough in this country to keep his name on the assessment roll. Hetty Green rambles from state to state to escape taxation. Although she receives an annual income of \$3,000,000 from mortgages, stocks, and bonds, it has been said of her that she pays less to the support of any state government than the working man whose yearly wage is only five hundred dollars. Take the case of non-resident corporations. The H. B. Clafflin Co. has its legal headquarters in New Jersey. It never has done ten dollars worth of business in that state. It has been assessed \$350,000 on personal property at its place of business in New York, but does not pay a cent of this tax. The United Verde Copper Co., operating under New York law, was assessed \$1,400,000 on personal property. It went to court and was defeated. Now it has re-incorporated under the laws of New Jersey and continues to do business at the old stand and does not pay a cent on this large amount of personalty. After trying every kind of a law to reach

this property New York has failed, because the headquarters of these corporations are in a foreign jurisdiction. Their tangible property in New York is covered by a bonded indebtedness which is held in New Jersey, and New Jersey refuses to tax it.

My authority for these citations may be found in Seligman's "Essays on Taxation," and the January number of the American Magazine.

You notice that the distinctive feature of the difficulty is the inter-state character of the property; you notice that the strength of New York law is defeated by the indifference of another state. This correctly portrays the attitude of surplus personal wealth towards state taxation. The evasion is accomplished by a very simple process. The business concern takes out a bonded indebtedness. The tangible property is now turned into bonds, which are intangible personalty, no longer assessable to the business firm but to the bond holders. Next, the holder carries these bonds into another state, or transforms them into stock of another company, or he may reside in Washington, D. C., where intangibles are entirely exempt. Not a vestige of this property is left for taxation, yet not a law is broken. Now, we need not condemn individuals. They are playing the taxation game according to the rules. As the President of the New York Tax Commission for 1910, the very best authority we have on this subject, says: "No man who has proper legal advice need pay a cent of direct taxes on personal property."

This wealth escapes most easily by getting beyond the

bounds of a state when the assessment is being made—a weakness which never can be remedied by state action. It is not the poor man's overburdened property that is escaping, but the riches of the millionaire, for nothing but massive wealth can manipulate such schemes of evasion.

We have pointed out that the states cannot reach personal property equitably because of its transitory nature. In the second place the states are precluded because of lack of uniformity in the administration of law. If all the states had identical laws and methods, perhaps personalty could be reached, but interstate agreements can never be obtained. A stubborn legislature in one state could defeat the whole scheme of uniformity. It is certain that some states would offer inducements to wealth, just as New Jersey has done in the matter of corporation control.

The question then presents itself: How is a federal tax to overcome this evasion? Not by compelling such wealth to pay its property tax. The Federal Government has no concern with the property tax as such, but it will make this wealth pay taxes, if produced in our own country, no matter whether it is owned by a member of the English Parliament or by a member of our own Congress; no matter whether he is a legal resident of Scotland or of this city of Chicago—it will compel such wealth to pay taxes at source upon its income.

With a federal tax, there would plainly be uniformity of action. No state could defeat the operation of a federal tax by offering a refuge to tax dodgers. All

incomes must pay taxes whether they issue out of a Wall Street bank or out of a Texas ranch. The interstate character of incomes would be no cause for failure, for the scope of authority of the Federal Government would be as broad as is the character of incomes. Uniformity of action plus the superior effectiveness of our federal executive in administering law makes a federal income tax the only just and effective way in which to reach this surplus wealth now escaping taxation.

We are therefore driven to these conclusions: Since a man's ability to pay does not increase proportionately with income but in a progressive ratio, we must have graduation to distribute properly the burdens of taxation. Since an income tax should be a federal tax in order to compel escaping wealth to pay its just share, we hold that a graduated income tax would be a desirable modification of our present system of federal taxation.

THIRD AFFIRMATIVE, PRELIMINARY REBUTTAL

PAUL M. O'DEA, I L., CHICAGO

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The first gentleman on the negative assumes that the tariff will be lowered, but he demands proof that this process will result in less revenue.

Now, Mr. C. P. Montgomery, Chief of the Division of Customs, says, that 90 per cent of our customs revenue comes from articles of common consumption; that

is, articles of relative or absolute necessity. As we have pointed out, consumption of necessities depends, not upon income, but the absolute unavoidable needs of the physical man. Whether a man's income barely reaches the minimum of subsistence or soars into millions, his capacity for necessities and consumption of necessities are relatively the same. But the gentlemen from Northwestern say: "If you reduce the tariff on necessities consumption will increase so that the customs revenue will grow." Now let us suppose the tax on sugar were reduced two-thirds. Would anyone in this audience eat three times the amount of sugar he now uses? Suppose the tax on tea were reduced two-thirds. Would anyone here consume more than three times his present allotment of tea?

Gentlemen, the idea is preposterous! As long as our customs revenue depends on articles of necessity, the only possible way to secure additional revenue is to raise the duties on necessities, which the consumer must have regardless of cost. The existing system, therefore, cannot be extended without imposing on the already overburdened consumer greater and more unjust burdens than ever.

The constructive argument of the first gentleman of the negative is confined to two features: First, we are told that the income tax will drive away capital; and, second, that it will fall unjustly upon certain portions of the country. New York, it is said, will pay one-sixth of the tax! It is our contention that if one-sixth of the nation's income goes to persons residing in New York

then those persons ought to pay one-sixth of the income tax! But it is a mistake to assume that the income enjoyed in New York is produced there. For example: I live in a characteristic western city of 50,000. Every municipal corporation, all producing handsome dividends, and nearly every manufacturing concern is owned by capitalists residing in New York. The wealth produced in Missouri is thus enjoyed in New York. There is no part of our republic so poor or so remote that it does not pay tribute to New York. Shall we say that because a man is so wealthy that he need not give his investments his personal attention, that he may then betake himself to some colony of the wealthy and enjoy himself in spending the unearned income, and that on this account he should be exempt from taxation? Is it not a logical consequence of the gentleman's argument that if every multi-millionaire in the United States should take himself to Fifth Avenue, that, therefore, Fifth Avenue should pay no more taxes than Halstead Street? Because a capitalist may secure income in one locality and enjoy it in another, this not only does not justify his exemption from income taxation, but rather affords the very best reason why he should pay an income tax.

The last proposition of the gentleman is that if we levy an income tax we will drive away capital, while in view of the undeveloped state of our national resources, we need to invite, not to repel, men of money.

In the first place, let me ask, where will capital go? Is not the income tax an accepted part of the fiscal sys-

tem of every great nation on the face of the earth, except Russia?

But aside from this, the argument is worthless. We have in Chicago a classic example. Forty years ago or more the grain elevators were accustomed to charge exorbitant rates. They grew so offensive that the state legislature set a maximum rate, reducing the average charge 33 1/3 per cent. When the measure came before the Supreme Court, the attorneys for the Munn elevators argued with great force that such action would drive capital away from Chicago, that other states would offer greater inducements, that Illinois should use measures to draw, not to repel capital. The Supreme Court held the statute constitutional. Just across the river, outside the loop district, the Munn elevators are still doing business, and a very profitable business, too. Since the supreme court handed down its memorable decision of *Munn vs. Illinois*, Chicago has become the greatest grain center in the world. Is it not reasonable to believe that if the grain elevators were deprived of one-third of their revenue in Chicago, and instead of leaving began to grow in number and size, then other productive capital will not be frightened away by a very light tax?

Mr. T. A. Coghlan, Chief Commissioner of Inland Revenue of New South Wales, said in his testimony before the Select Committee of the House of Commons, that to his positive knowledge no capital in all Australia had changed its abode to escape the income tax. Gentlemen, the conclusion is inevitable. To say nothing of the

enormous loss involved by a change of location, capital will stay where greatest returns are offered, regardless of a small income tax.

MAIN SPEECH.

Thus far our case has proved the need of a supplementary tax; that the principle of the income tax fills that need. We have to show that the income tax is practicable.

We propose as a basis for our tax a flat, proportional non-graduated rate assessed and collected at source. By taxation at source we mean the assessment of income where it arises. The tax of a stockholder is collected from the corporation dividends before the dividend is distributed. Rent is taxed in the hands of the tenant, before it reaches the landlord. The creditor receives his interest payments with the tax deducted by the debtor. Thus we not only prevent evasion but avoid friction.

Taxation at source as the basis of our system is able to reach 90 per cent of all income and is a practical system. Now, the nation's total of income approximates \$20,000,000,000 annually. The largest individual source of income is the corporations. According to the corporation tax returns, corporate stocks net annually \$2,700,000,000. According to the commissioner of corporations, the income of corporation bonds reaches \$1,700,000,000. These two sources represent one-fourth of the national income absolutely stopped at source.

According to the same authority the salaries of cor-

porate employees amount to \$5,000,000 annually, equally sure from all evasion. Thus from the one item of corporations one-half of the nation's income will be assessed and taxed at source.

Next in importance is the income of real estate. Tenants will deduct the tax from rents; with rents as a basis of real estate income, independent householders and farmers will be taxed in the same way. Add income of corporations and real estate and you secure 82 per cent of our total annual production. Moreover, these sources represent every large fortune and all of the intangible personalty that now escapes. Of the 18 per cent that remains, 8 per cent is represented in salaries of various kinds, which is also taxable at source. Thus you have a total of 90 per cent of all income, absolutely subject to our method.

Not subject to taxation at source we have but two forms of income derived from professions and from private business. But they represent only one-tenth of our total income, and most of this tenth is made up of incomes so small as to be non-taxable. But, the gentlemen say, "Your doctors and lawyers will all turn perjurers and avoid the tax." We do not believe this is a fair estimate of our doctors and lawyers. But for argument's sake, admit they would. Is it not better to tax 90 per cent of the wealth than 100 per cent of the poverty? Would not such a tax be incomparably superior to any existing tax? Our method is one which knows no discriminations. It is no respecter of persons. It recognizes but one standard, "ability to pay," and solely

upon this basis, exacts a just and equitable contribution from each citizen.

To secure graduation we propose a system of abatement and refunding; that is, a partial return of the tax collected. If anyone taxed has an income under \$20,000, he produces his dividend warrant if a stockholder, tenant's receipt if a land owner, and receives his refund. Instinctively, you ask, will the plan work? Gentlemen, it does work! In England, a fraction over 1,000,000 persons pay the income tax. Of this number more than 700,000 receive rebates. All rebates are made in three months or less. In 1906 a Select Committee of the House of Commons, appointed to report on further graduation of the income tax, reported favorably and among other things said: "The system of abatement and refunding is now working smoothly and has worked smoothly for a long time." Mark the phrase, "worked smoothly." It means absence of friction, quick results and popular satisfaction.

In view of the success of the rebate system and the income tax, the committee of 1904, in comparing the income tax with other taxes, said it "worked with a minimum of friction, and a maximum of result." This committee was composed of some of the most eminent financiers of the twentieth century. They had before them the tax experience of the world's history; they were men of every political complexion; and, gentlemen, we submit that such a conclusion—"the minimum of friction, the maximum of result"—is the final word upon the subject of rebates.

We have shown the need of the tax, its justice, the fact that it works abroad and so ought here. Beyond all these facts, the tax is already in partial and successful operation. I refer to the corporation tax. This tax collects 1 per cent of all the income of corporate stock. In operation but one year, it has yielded \$27,000,000. Every cent is collected by taxation at the source. If we have reached this vast source of income in one year, is it not reasonable to believe that a broader tax can reach the whole of the nation's income in a very short time?

The Department of Commerce and Labor have information about not only the great corporations, but even the smallest business concerns, and this will check evasion. Add to the present efficiency of the corporation tax the practicability of wide extension of the same principle, and you have a set of conditions which make absolutely inevitable the successful operation of the graduated federal income tax.

FIRST AFFIRMATIVE REBUTTAL, EDWARD E. JENNINGS

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The gentlemen of the negative maintain that we have no need of further revenue, and in support of that contention they say that we had a surplus of some \$36,000,000 last year. It is entirely possible by leaving out some of the extraordinary expenditures of the government to show a surplus, but we have here a weekly bulletin, issued January 1st, by the Secretary of the Treasury, which states that for the fiscal year ending June 30, 1910, the excess of all disbursements over all re-

ceipts was \$19,000,000. We always have extraordinary expenditures in the budget, and we submit to you the only fair and reasonable basis for figuring our surpluses and deficits is, *all* receipts and *all* disbursements.

The gentlemen took some time in pointing out that incomes and realty would be taxed twice under the proposed system. Granted that it is perfectly true, it still remains to be shown wherein the injustice lies. Here in Hyde Park, in the City of Chicago, we are taxed five times on the same property—by state, county, city, park board and drainage board—but we hear no complaint of injustice based upon the number of times that we are taxed.

The negative contends that our proposed income tax is undemocratic, that it may be suited to the despotic purposes of other nations, but it is contrary to the spirit of the United States. What nation is more democratic than Switzerland, the very home of advanced income tax legislation; or by what means do they place France in the category of undemocratic nations? Seligman, whom the gentlemen on the negative have quoted at length this evening, says: "Even if it is conceded that England is the home of hidebound mediaevalism, it is hard to include the cantons of Switzerland or the colonies of Australia in any such category."

The gentlemen on the negative admit that an income tax is essential as an emergency measure and ought to be used as such. But an effective income tax cannot be put into operation in a few weeks or months. It takes time to institute such a tax. Witness the slow

progress of the establishment of postal savings banks now in operation. We have already called your attention to the fact that it took four years at the time of the Civil War to make this tax productive. It is evident, therefore, that if we are going to use this tax, as the gentlemen on the negative would have us use it, we must have the machinery in operation in order that when the emergency comes we shall have an effective means at hand to meet it.

They say that it was to have been a temporary measure in England, which fact is very true. But the Englishmen found that it was too good a thing to use merely as a temporary measure; and, in addition, they found that its efficiency as an emergency measure was increased by its uses as a regular part of their taxing system.

In regard to this Seligman says: "The income tax has grown to be a permanent part of the English system, which no one now thinks of abandoning, and which is capable of increase or diminution according to a change in the annual rate. Gladstone at first declared it an exceptional mode of taxation, but in 1860 he said: 'It was a rare and residual agency; it is now a permanent and principal force.'"

The gentlemen have said that we must view this tax in its "relation to our comprehensive system of taxation," and in other ways they would have you believe that we are dealing with a complicated question. But this question centers upon two simple issues. First, do we need an income tax? We of the affirmative believe

that because of lack of revenue, inelasticity, the injustice of consumption taxes, demand for tariff revision, and the expansion of the government, we are in immediate need of an income tax.

The next question is, will it work? We have shown you that assessment and collection at source at the highest rate will get all incomes. Add to this the system of graduation by abatements and we have a combination that can't help but work.

SECOND AFFIRMATIVE REBUTTAL, PAUL M. O'DEA

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The gentlemen from Northwestern maintain that the system of abatement and refunding will be filled with hopeless complexities; that the taxpayer will be deprived of the use of a portion of his income; that its recovery will place him at the mercy of the taxing officials.

The gentlemen seem to forget how the plan works. The taxpayer hands in a statement of income—his dividend warrant if a stockholder, his tenant's receipt if a landowner—and receives his refund. How can it be urged that this places the taxpayer at the mercy of officials? If a taxpayer is doubted, the burden of proof is on the government to disprove the taxpayer's claim. It follows, therefore, that the taxpayer in most instances will receive his refund at once.

We do not maintain that our system is free from objections. But let us bear in mind that the best system

of taxation is not the one which is without inequalities, but the one which has the least inequalities. Taxation is a necessary evil. Now, the gentlemen from Northwestern have examined the abatement system. It is no forensic device. It was not created for the exigencies of this discussion. Wherever the income tax is discussed, the abatement system with taxation at source is pronounced the most satisfactory method of operating it. It is reasonable to suppose that the gentlemen would produce the most serious objection known. And what is this objection? "The taxpayer will be deprived of the use of a portion of his income till the refund is obtained."

Now, do not forget that the taxing systems are judged on the basis of their relative inequalities. Consider our present system. Remember that with every dollar of import duties given to the government, more than two dollars go to the trusts from the pockets of the consumer. Remember that the present taxing system compels farmers in Illinois to pay, for machinery manufactured in Chicago, from 15 to 60 per cent more than the same machinery sells for in Canada or Egypt. Remember that every time you pay in Chicago \$1.00 for sixteen pounds of trust-made sugar, the London consumer purchases the same amount for sixty cents.

In comparison, let us take the most extreme case presented by the income tax. Let us assume the maximum rate 2 per cent, the minimum 1 per cent. Take a man with an income of \$2,500, all derived from stocks.

This is taxed at 2 per cent at the source, and the dividend reaches the taxpayer minus \$50. The government, therefore, owes him \$25. Let us assume that it is not returned for three months. Therefore, at the prevailing rate of 6 per cent the taxpayer is deprived of the insignificant sum of $37\frac{1}{2}$ cents! Place beside this the tremendous injustices of the tariff. See to what miserable, pitiable lengths our opponents are compelled to go to find an error in our system! Such small, insignificant objections, we submit, are the very strongest evidence of the justice of our plan.

And the gentlemen maintain that the tax failed in the United States following the Civil War, and would do so if applied again. The gentlemen have quoted Professor Seligman quite extensively this evening; perhaps they will recall his statement: "From our federal experience with the income tax it is impossible to draw from it adverse conclusions, inasmuch as the defects were not intrinsic but administrative, traceable in a large measure to the spoils system of patronage, which controlled the distribution of appointments. The entire system, as the special revenue commissioner at the close of the war indicated, was vitiated and rendered so inefficient from this cause that had the measure been never so perfect and never so well suited to our conditions it would of necessity have broken down."

The gentlemen, I am sure, are familiar with the experience of the government in the matter of the inland revenue taxes at the same period. They know that our inland revenue system was utterly hopeless because of

inefficient administration. Today, under the civil service our inland revenue system is almost perfect. Is it not reasonable to believe that if the income tax had been retained, it, too, would have been perfected? Is it not reasonable to believe that when the income tax does come it will be administered with the same efficiency?

Finally, the gentlemen maintain that it will be forever impossible for the government to detect and prevent the devious methods of bookkeeping employed by great corporations to evade the tax. Gentlemen, are we to refrain from the enacting of a just statute because the criminal rich threaten to violate it? If the criminal classes, either rich or poor, can defeat the enactment of laws by such means, then the condition of our country is indeed deplorable. In the words of Chief Justice White of the United States Supreme Court: "The grave consequences which, it is asserted, must arise if the right to lay a progressive income tax be recognized, involves in its ultimate aspect the mere assertion that free and representative government is a failure."

If I were to follow the logic of my argument, I should place here the apostrophe of democracy. I should tell you of all the wonderful achievements of our forefathers in its name, and say that every analogy of history makes democracy, growing and expanding, the goal of human effort. And I should conclude: "Surely our centuries of progress are not to be stopped by the books of corporations!"

Honorable Judges, the idea is preposterous. Such an

argument does not deserve the name of reasoning. It shows only the singular stupidity of capitalists in resisting every attempt to impose upon them their proper share of the public burdens. I repeat, such argument is not reasoning; it is a threat, a club, a cudgel held over the heads of the people to compel them to accede to the demands of predatory wealth.

I, for one, am unwilling to believe that the American people can be whipped into line by an argument so revolting or a threat so atrocious.

THIRD AFFIRMATIVE REBUTTAL, LEW MC DONALD.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The gentleman declared that he has studied the fiscal conditions for 1910 and has failed to find any record of a deficit for that year. I hold in my hand a report of the Secretary of the Treasury, issued last month, which states that for the year 1910 the excess of all disbursements over all receipts was \$19,480,000, I submit the report to the gentleman for verification.

We take issue with our worthy opponent in his positive statement that 60 per cent of all income cannot be reached. He gave absolutely no authority for this assertion. We have shown that 90 per cent of all income can be safely reached at source and gave as our authority the United States Commissioner of Corporations.

The negative made another futile contention in saying that our plan is not graduated. Let me refer to the system of 1864: Incomes from \$600 to \$5,000 paid a 5 per cent rate; from \$5,000 to \$10,000, 7½ per cent;

all incomes above \$10,000 paid a uniform rate of 10 per cent. The United States Congress called this a graduated federal income tax.

Once more we are told that tax evasion is fostered by our plan; that this Federal Government cannot collect an income tax without jeopardizing our institutions. Chief Justice White has the answer, when he says: "Such a contention simply means that free democracy is in danger and that our executive is no longer able to control the tendencies of society."

Now, let us take a survey of the argument from both sides to see what has been accomplished. It was the duty of the negative to prove the present system adequate and just, or to point out another reform better adapted to conditions than the proposed measure. We feel that they have done neither.

Equitable taxation by means of the states was suggested, which we have shown to be absolutely ineffective for three reasons: Transitory nature of personal property, inter-state character of property, and lack of uniformity in administering law. These difficulties point plainly to the success of this tax as a federal measure.

Our attention has been called to the tariff. We are told that reduction of the tariff means increased revenues. Neither the history of the tariff in the United States, nor the experience of Great Britain support this contention. If a reduction of tariff rates is bound to increase revenue, how does it happen that Great Britain, with duties less than half ours, raises only one-fourth as much revenue with them? The negative argument

would indicate that Great Britain's revenue should be larger than ours simply because the duties are lower.

We have pointed out that substantial and continued reduction of this tariff is inevitable, which makes it a regressive element in federal revenue.

The argument for further economy is safely answered in the words of one of our senators, when he says, "There can be no material reduction in national expense."

The affirmative's system is charged with inherent inequalities and with unpopularity. We are told that indirect taxation is popular because the consumer pays unconsciously—a most unprincipled defense of any tax! The gentlemen overlook the fact that every tax is inquisitorial to a certain extent; that any tax is unjust in individual cases. These objections are chargeable, not against an income tax, but against taxation.

The negative fail to grasp the three points of our debate in their relation to the whole system. They center their attack on the revenue feature and a few minor technicalities in the operation of the plan, which are incidental to the primary issue—just and equitable distribution of the burdens of taxation. This point our worthy opponents have failed to meet.

We have shown that a federal income tax is commensurate with present and future needs. In substance, it contains all the merits of a comprehensive tax. It is based upon income. It is graduated, not beyond reason but to a point that makes it practicable in operation.

We have pointed out that an income tax, in order to

reach surplus wealth should be a federal tax and the gentlemen have entirely ignored the point. Incomes have become national in character and no longer respect the bounds of any state. This broad inter-state basis of income makes it imperative that an income tax should be a federal tax.

Honorable judges, the complexities of our plan will not defeat its practicability. How many people object to the tariff with its twelve hundred schedules on the ground that the complications of the system will defeat its own operation? We have the mechanism to classify incomes, and to assess incomes at source. With this information in the hands of a responsible civil service the tax can be collected. The federal executive is applying the principles of our plan at the present time in the corporation tax, to the advantage of every institution.

This reform is not sentimentalism. The tendency all over the world is for graduation in tax-apportionment. And whether we deplore it or not, democracy is going to assert itself and insist that a man shall support his government in proportion to his ability to pay.

We have proposed a plan that best measures this ability to pay, a plan adapted to the needs of the federal Government, and in every way consistent with progressive democracy in America.

CHICAGO vs. MICHIGAN.

FIRST NEGATIVE, MERRILL I. SCHNEBLY, '11, CHICAGO.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The question before us concerns a tax. What are the reasons for any tax? The primary purpose is to raise revenue; the second, perhaps, to regulate. The first question to confront us, then, is, "Do we need the revenue to be raised by the proposed tax?"

We oppose the income tax on the ground that it is absolutely unnecessary for revenue. We shall show you further, that it is not practicable in operation, and will work actual injustice. In proving this we show also that it cannot be used for purposes of regulation.

An income tax is not necessary for revenue. In the first place, our present system is adequate for immediate needs. In proof of this, we cite the fact that during the last decade, with but three exceptions, every year showed a net surplus of ordinary receipts over ordinary disbursements. The decade as a whole gave the huge surplus of \$369,000,000. At the end of the last fiscal year, not counting the extraordinary expenditures of the Panama Canal, there was a surplus of \$15,000,000 and cash balance of \$106,000,000. The present year will produce a surplus. Therefore, we see that the past decade has shown a surplus; the last year showed a surplus; and the present year indicates a surplus. We go further than this. The next year, it is estimated by the Secretary of the Treasury, we shall have a surplus of \$50,000,000. Even though our opponents desire to include the ex-

penses of the Panama Canal, there will be a surplus, as the revised estimates allow but \$49,000,000 for both construction and fortification, leaving \$1,000,000 to the good.

In the face of these facts, how can it be argued that we require additional taxes, Senator Cummins, one of the most ardent advocates of the income tax, based his support solely upon the ground that it was needed for revenue. He said: "The Senator from Rhode Island stated that we did not need more revenue than will be received at the custom houses. If these conditions are sound, I, for one, abandon my proposal for an income tax, for I say without hesitation that if, in securing adequate protection, a revenue is necessarily raised that will meet the reasonable expenditures of the government, then, from my standpoint, it would be an economic crime to levy an income tax."

How badly he was mistaken, time has shown, instead of that deficit of \$60,000,000, there was a surplus of \$15,000,000. Therefore, we certainly do not need an income tax for present revenue.

In the second place, will our present system remain sufficient in the future? For several years we may expect expenditures to actually decrease. In 1910 they were \$2,000,000 less than in 1909; appropriations for 1911 were \$28,000,000 less than in 1910; and, finally, estimates for 1912 are \$52,000,000 less than appropriations for 1911. This makes a total reduction of over \$80,000,000 in three years.

This reduction is not due to abnormal causes, nor is it

a political trick; it is due to the soundest business reasons. It is due simply to the fact that the United States is applying efficiency and economy. For instance: A postal deficit of \$19,000,000 two years ago has been entirely wiped out this year; the Secretary of the Treasury has abolished 400 useless places in his department; improved methods of collection at New York are saving \$10,000,000 annually in custom receipts, and since the appointment of Collector Loeb, receipts from passengers have grown 100 per cent. Among the further opportunities for economy, President Taft refers to the fact that it costs at Annapolis \$309 to collect \$1, and at York, Me., \$505.

Now grant that after a few years the limit of economy will be reached and expenses will begin to increase with the growth of the country. With expansion will come increased importations, and, hence, the present system can easily be adjusted to produce revenue corresponding to the needs. Prof. Seligman, the political economist, says: "So far as considerations of revenue are concerned, it can scarcely be contested that the income tax is unnecessary for federal purposes. Federal revenues in the past have, in normal times, been derived almost entirely from custom duties and internal indirect taxes. There is no reason why these sources should not suffice for the future."

But, aside from the question of the tariff, a slight raise of the internal revenue would yield vastly increased receipts. The present rate on spirits is but half of what it is in England. Why not double the tax on beer? It

is now 3 cents per gallon. That would mean an increased revenue of \$58,000,000; and this would not decrease consumption. In 1898, with a tax of \$1 per barrel, consumption was 37,000,000 barrels; in 1900, with a tax of \$2, or twice as much as formerly, consumption was 39,000,000 barrels, or 2,000,000 barrels greater.

Therefore, we conclude that our present revenue system is adequate for our present needs, and will remain adequate for future needs; hence, another tax would be superfluous.

Let us see what would be the effect of putting on an additional tax such as the income tax. The yield of such a measure is estimated by its friends at from \$40,000,000 to \$70,000,000. Add this sum to our estimated surplus this year of \$7,000,000, and we shall have from \$47,000,000 to \$77,000,000. What do the gentlemen of the affirmative propose to do with this enormous sum? What is its justification? A large surplus is a temptation to recklessness and extravagance, and is actually worse than a deficit.

Perhaps our opponents think this surplus could be avoided by cutting down the tariff. But when we talk tariff reduction, we deal with something very elusive. The people, at different times, have expected various things to be done with the tariff; usually they have been sadly disappointed. We believe they were last year. What reason have we to think that there is to be an immediate annihilation of the tariff? Indications are that changes will be made, if at all, schedule by schedule, and these spread over several years. It will be a careful,

scientific revision. A Democratic House with a Republican Senate and President will hardly achieve radical revision. The popular position on the tariff question is this: we believe in the principle of protection, but we resent overprotection for the benefit of the trusts at the expense of the ultimate consumer. As Prof. Taussig of Harvard, says: "No rational person, even though he were the most radical free trader, would propose to abolish at one fell swoop protecting duties to which a great industrial system has accommodated itself."

Now there is no reason to believe that a reduction of tariff rates will reduce revenue. Many of the tariff schedules are so high that they prohibit imports and yield no revenue. They merely permit the trusts to levy an enormous tribute upon the consumer. Herein lies the evil of the system. No one, I think, complains of the \$3.25 per capita tax which he pays to the government because of a tariff. Take, for example, an old illustration. According to Mr. Schwab, steel rails are made in England at a cost of \$19 per ton and laid down in America at \$24, plus a tariff of \$7.84, or for a total of \$31.84. The Steel Corporation makes rails at \$12 and, thanks to the tariff, is able to sell them at \$28, making a profit of 122 per cent. The importations yield to the government \$30,000, but the Steel Trust collects \$28,000,000 from the people.

The oil schedule yields \$12,851; yarns, of the cheap variety, valued at less than 30 cents a pound, \$132; blankets, valued at less than 40 cents a pound, \$385; valued from 40 to 50 cents, \$377; ready-made clothing

gives practically nothing. Now if the duty is lowered on these articles, a far greater quantity will be imported, and schedules now yielding almost nothing will be turned into productive sources. This is true of a large majority of the schedules.

Speaking of reducing revenue derived from the tariff, Senator Aldrich says: "The only way that revenue from the tariff can be substantially reduced is by adopting one of two courses—either by the adoption of prohibitory duties, which will stop revenue, or by placing manufactured articles that will compete with articles produced in this country upon the free list."

Whatever may be our opinion of Mr. Aldrich, he is certainly an authority upon the tariff. Therefore, we conclude that any reasonable revision will mean increased revenue.

I have now proved that an income tax is unnecessary for revenue, because our present system is adequate and will continue adequate; that a reduction of the tariff short of free trade will mean an increased revenue; and that all forces combined with the proposed income tax would yield an immense surplus, for which no legitimate use can be found.

My colleagues will show that a graduated federal income tax will not work, and cannot be made to work.

SECOND NEGATIVE, PRELIMINARY REBUTTAL, ADBERT F. MECKLENBURGER, 3L., CHICAGO.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The gentleman has pointed out the disastrous

results of tampering with the tariff. He has shown how a slight tariff revision causes financial depression and business troubles, and yet he proposes radical tariff revision. He says he favors the protective principle, and yet would, at one fell swoop, practically abolish the tariff in order to make room for an income tax. Not a very practical way to handle governmental affairs, to say the least. But that isn't all—we cannot reasonably expect any such revision at the hands of Congress, nor would the American people stand for it.

The gentlemen have not shown, and indeed it is impossible to show, how any revision of the tariff now in contemplation would mean a reduction of the federal revenues.

They have spoken of the inelasticity of our present system, but they have not undertaken to show how the Federal Government, in any of its departments, has suffered because of this so-called lack of elasticity.

They have spoken of the injustices of the present state and federal taxes, and to equalize these burdens they propose a new tax. Now, how a tax on one man will in any wise relieve another, in the absence of a fundamental revision of the whole existing system, is more than we of the negative can understand.

They have spoken of recent deficits in the Federal Treasury, but they stopped with the year 1909. They didn't mention 1910. The Treasurer's Report for 1910 shows a net surplus of more than \$15,000,000, in ordinary expenditures, not counting the Panama Canal. We have shown that there is no need of additional fed-

eral revenue. A new tax, therefore, will mean an unnecessary and dangerous surplus. We have also shown that tariff revision, abolishing "over" protection, will result in an actual increase in federal revenues.

MAIN SPEECH.

We have thus answered the position of the affirmative, but we are willing to go further.

1. A graduated federal income tax is not practicable.
2. It will not accomplish any of the desirable results claimed for it, because it is not capable of equal and just administration.

As Prof. Seligman has said: "No matter how well intentioned a scheme may be, or how completely it may harmonize with the principles of abstract justice, if the tax does not work administratively, it is doomed to failure."

Ex-President Roosevelt, in the very message to Congress in which he recommended a graduated federal income tax, said: "It is a difficult tax to administer. In its practical workings great care would have to be taken to see that it is not evaded by the very men whom it is most desirable to have taxed; for, if so evaded, it would, of course, be worse than no tax at all."

Neither Mr. Roosevelt, Congress, the experience of nations, nor the ingenuity of our honorable opponents has furnished any scheme which would mean the successful operation of a graduated federal income tax. There are just two methods of collecting income taxes. The first is that of self-assessment; that is, taxing a

man upon the income which he tells the assessor he has to be taxed. The assessor says to a man: "How much income have you?" And in the next breath he says, "Be careful what you say, because I am going to tax you on the amount you say you have." This is technically called lump-sum self-assessment. It is the same system employed by all the states in personal property taxation and with notorious ill-success. The other system is that of stoppage or collection at the source. This means simply that income is taxed wherever it can be caught—rent in the hands of the tenant, wages in the hands of the employer, dividends in the hands of the corporation; in other words, at the source of the income.

Now, stoppage at the source is confessedly the only desirable method of income taxation, but it cannot be applied to a graduated income tax. The ideas of graduation and collection at the source are wholly incompatible. In source collection the taxing authorities are not even concerned with the question of whose income they are taxing, much less with the question of the total amount of any man's income. They simply tax income wherever they find it.

Take for example the corporation tax. The United States Government is taxing ultimately the stockholders of the corporations. It is taxing them upon their income derived from stock, and it is catching the tax at the source of the income. What does it know or care as to whom the stockholders are or as to the size of their individual incomes? But, if the rate of tax were

graduated according to the total amount of the income of the taxpayer, the government must find out who owns the stock, and how much other income each stockholder has. This is simply impossible. How much should be collected, for example, from a big corporation for each of its 25,000 stockholders, In this day of stock-exchange, when hundreds of thousands of shares change hands every day, what does the corporation know of whom its shareholders are, much less of their individual incomes?

England has the best working, non-graduated—that is, flat rate— income tax in the world, with an efficient system of stoppage at the source, catching 75 per cent of the tax in this method. The Chancellor of the Exchequer recently said, in a report to Parliament: “A disclosure to the taxing authorities.....of the total amount of the taxpayer’s income is necessarily required where incomes are taxed on a graduated scale according to amount. Accordingly such a system of disclosure, and especially that of personal declaration, is found in operation wherever such a graduated scale exists. The method of collection at source, on the other hand, does not lend itself to a system of graduation of the tax according to the amount of the income.”

An attempt to collect a graduated income tax at source would mean that one man, whose income was derived wholly from one source, would pay a greater rate of tax—a greater amount of tax—than would another man whose income was of equal size but derived from several different sources. For ex-

ample: Suppose the rate is 1 per cent on \$10,000, and 2 per cent on \$20,000. One man has an income of \$20,000; \$10,000 derived from each of two sources. He will pay 1 per cent on each \$10,000, or 2 times \$100, a total of \$200 tax. Another man has an income of the same size, \$20,000, derived from one source. He will pay 2 per cent, or \$400. Collection at source of a supposedly graduated tax would thus result in incomes of the same size paying very different amounts of tax.

The result would be that every man would split his corporate holdings into blocks of such size that the income therefrom would always bear the lowest rate in the graduated scale, and by investing in different sources or assigning interests in his holdings to dummies or obscure relatives, would easily avoid ever paying more than the minimum tax.

The necessary conclusion is, that stoppage at the source of a graduated federal income tax is not practicable. If income is to be caught at the source at all, it must be at a uniform rate. What shall that rate be? And how is graduation to be accomplished?

On the one hand, if all which is caught at source is taxed at the lowest rate, the only possible way to graduate the tax is to depend upon the personal statement of the taxpayer that he is entitled to pay more taxes than have been collected from him—in other words, personal self-assessment.

On the other hand, if all income caught at source is taxed at the highest rate, the tax will have to be graduated downward. By far the greater portion of the

tax collected will have to be returned to the taxpayers in amounts varying with the size of their individual incomes. The burden would be placed upon practically every taxpayer of proving against the Federal Government, either that he should not be taxed at all, because of exemption provided by law, or else that he should be taxed at a rate below that at which the tax had been collected. The complications of such a system would defeat its practicability.

It is some such system as this that has been proposed in this debate. The gentlemen have yet to explain how it will work. They say it works in England.

Now they do have a slightly graduated feature of their tax, which they work by abatements and refunds. But this is only a minor and incidental feature of their system. The English system of income taxes is essentially a flat rate tax. Graduation applies to incomes between £160 and £700, or in our figures \$800 and \$3,500, and abatements and refunds are allowed on these small incomes. In other words, it applies only to incomes which are smaller in size than the smallest incomes which would be taxed under the proposed system. The gentlemen have proposed an exemption of \$5,000. Now the Select Committee of the House of Commons, appointed for the very purpose of examining into the practicability of extending graduation by this system of abatements and refunds, reported in 1906, and they expressly refused to recommend that abatements and refunds be applied to incomes in excess of £1,000, or \$5,000. They pointed out how great a sum of money

would be withdrawn from circulation and locked up in the government's coffers pending the preparation and justification of these claims for abatements and refunds. And they said this would necessarily work injury to business and commerce.

The final objection to such a system, however, is that the amount which the government would ultimately retain would depend upon self-assessment. Now, where are our opponents? Right back where they started; because self-assessment is not a success; and the amount which the Federal Government would ultimately retain would depend upon the oaths of the taxpayers as to how much should be refunded to them. Prof. Seligman has pointed out: "As soon as such an oath, however, was permitted the whole advantage of assessing incomes at the source would disappear, and the door would be open to all frauds inseparable from personal or lump-sum income tax. The whole machinery of assessing the tax to the corporation in the first instance might as well have been abandoned."

We have shown the utter lack of need for a new federal tax. We have shown that collection at the source of a graduated income tax is not practicable; and that the only means of graduating an income tax is to depend upon the personal declaration of the taxpayer. Our last speaker will show that personal self-assessment of a graduated federal income tax would mean like failure and greater injustice.

THIRD NEGATIVE, PRELIMINARY REBUTTAL,
ARTHUR P. SCOTT. I G., CHICAGO

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The gentlemen of the affirmative are contending that their scheme will make federal taxation less burdensome to the great bulk of the people. Let us see how it would work in individual cases. They propose to collect the maximum rate of taxation at the source of income, and allow rebates to those who can prove they are entitled to them. All taxpayers are guilty of large incomes till they prove themselves poor! Think of the thousands who own one or two bonds, bringing in \$50 or \$100 a year. When one of these persons presents his coupon, he finds that a considerable percentage of his interest has been seized already by the government. Nothing remains but to ask a day off and take his place in line at the revenue collector's office with thousands of others who have had a part of their incomes similarly locked up. When his turn comes, he must turn his financial affairs inside out to prove that he is not one of the wicked rich. So also with everyone who has money in the savings bank. The vast inconvenience and irritation of such a system of rebates would not be tolerated by thousands and millions of taxpayers on whom this burden would rest.

And notice again the enormous complexity of card indexes and statistics which the Federal Government would have to use. The smallest item of income must be recorded, for it may form part of a large income.

Think of the time and the expense of such a system—the numberless confusions of identity, and the endless possibility of assigning stock to dummies. And to cap the climax of absurdity, when all the individual items have been added up they simply indicate the gross incomes of the citizens. Allowances must be made for losses, for operating expenses of a business, and other exemptions necessarily allowed.

For these no way is open except to take the oath of the citizen—self-assessment—and we are back where we started! Why, then, the time, the expense, the great numbers of new federal officials, the millions of dollars locked up to pay these endless rebates, if, in the long run, the individual can say that the apparent taxable income was really swallowed up by business losses which leave his net income below the exemption amount? Instead of relieving the masses of taxpayers of any burden, this scheme actually adds a considerable burden in the difficulty and irritation which the rebate project would make inevitable.

MAIN SPEECH

There are only two questions of really fundamental importance in this debate:

First—Do we for any reason need a new federal tax?

Second—Even if we should need a new tax, is the proposed tax the best one, or even a reasonably good one?

Everything thus far has centered around these two propositions; both must be established by the affirma-

tive. We of the negative submit that the reasons advanced in support of these two points are inconclusive, and are outweighed by the considerations which the negative has advanced against them.

First, then, as to the need of any new tax: Our analysis of the present financial system has shown by the figures that the present revenues of the government are ample for present needs, and that they may be adjusted to meet the reasonable needs of the future. Any desired elasticity may be secured by an adjustment of internal revenue; while a restoration of the internal revenue rates to the scale of 1902 would give \$60,000,000 more revenue, if in future years we should need it—as large a sum as an income tax would yield. The proposed income tax, therefore, lacks the prime justification of any tax, the need for revenue.

But we are told that the present system of consumption taxes is unjust, and that we should have this much-praised income tax in the interests of justice. But wherein is the present system oppressive and unjust? Certainly not in the per capita tax of \$7.00, almost the smallest of any great nation in the world, which goes to support the Federal Government, of which an average of nearly \$2.00 per capita is given back in cash in the form of pensions. Half our revenue is raised by the tax on tobacco and liquor, which hurts no one. As for the customs duties, 23 per cent of which are paid exclusively by the wealthy on articles of luxury, like diamonds and automobiles, it is not the insignificant amount which goes to the government which is unjust; it is the

amount which the trusts collect from us under the protection of almost prohibitory schedules which has aroused the anger of the people.

Now, how would an income tax on the wealthy help the rest of us unless the tariff is changed, And if the tariff is revised to a basis of honest protection, will not the only real evils of the present system be met? We have already shown that scientific gradual revision downward need not mean loss of revenue. Where, then, from the standpoint either of finance or of justice is there a call for a new federal tax of any sort?

But even had it been shown—as it has not been—that some new tax were needed, the proposed tax is so unwise and so unsatisfactory as to make its rejection imperative.

First—This is a direct tax; and the Federal Government, while it has an admitted legal right to levy such a tax, is morally bound to avoid all direct taxation except in grave and rare emergencies. When the Federal Government was given the exclusive right to tax imports and to collect internal revenue, it was well understood that it should rely on these alone in all ordinary circumstances. The friendly division of taxes between state and national governments which has continued since 1789 would be changed by a direct federal tax in time of peace.

We must keep clearly and constantly in mind the exact limits of this debate: We are discussing only a graduated federal tax as an immediate and permanent addition to our federal taxing system. We of the nega-

tive might admit the value of a federal income tax in emergencies; but that is not the question. We might admit—as most emphatically we do not—the general principle of an income tax; we would even then establish our case by pointing out that under ordinary circumstances it is not a proper federal tax at all under our dual system of state and national sovereignty; for in the necessary friendly division of taxes, a well-settled and wise policy has determined that all federal taxation should be indirect. Legally the Federal Government could levy direct taxes at any time; but it has felt morally bound not to do so except in time of war. Our first speaker pointed out conclusively that there is no financial crisis either present or impending to call for more revenue; much less for the emergency measure, an income tax.

And, finally, we are discussing a *graduated* federal tax. We have already pointed out that the graduated feature of the tax is not minor and incidental and unworthy of separate notice. It is of fundamental importance, and would be sufficient in itself to defeat the affirmative case. As our second speaker showed, even the theoretical justice of graduation above the minimum of subsistence is open to grave objections, while practically a graduated tax could not possibly be collected at the source of income. No scheme of rebates or information has ever been devised to combine genuine graduation with collection at source. We are, therefore; forced to conclude that any graduated federal income tax in this country would have to be collected on the

basis of the declarations of the taxpayers as to their total income. As a matter of fact, it is absolutely certain from all the bills and debates in Congress, that if Congress ever should pass a graduated income tax, it would be on a basis of self-assessment.

Now, for the sake of completeness, we wish to point out that not only is this tax unnecessary financially, but that in practice it will be a failure. By this we do not mean that it would fail to bring in revenue; for doubtless the Federal Government could wring millions of dollars from the citizens with such a tax. But we mean that it would fail utterly to accomplish the justice of which we have heard so much this evening. Remembering that a graduated tax must rest finally on self-assessment, I wish to emphasize: First, that experience in this country with an income tax, state and federal, has proved a failure; second, that the reasons for this failure are inherent; and finally, that the result of the tax would be practical injustice and positive harm.

First, as to our American experience—which, we submit, is more pertinent than that of free trade England or autocratic Prussia: In sixteen of our states an exhaustive trial has been given the income tax under every conceivable form. It has been generally abandoned, and in the four or five states where it still lingers it is practically a dead letter. Financially, it has accomplished nothing of value. The report of the special New York tax commission of 1907 sums up the universal verdict when it says: "It has always been a dismal failure."

Could the Federal Government succeed where the

states have failed? We are not left to guesswork on this point. The Federal Government for ten years—from 1862 to 1872—tried an income tax as a war measure. From almost every point of view the tax was a failure. For a while it was supposed to be graduated, and an attempt was made, also, to collect a part of it at source from corporations. But the tax was levied only at the flat minimum rate. Finally, finding that graduation was incompatible with even partial collection at the source, Congress, in 1869, gave up graduation—another instructive and conclusive proof that a graduated tax cannot be collected at the source of income.

The tax averaged about \$37,000,000 a year. Its partial success was due to the fact that it was a war tax. When thousands were going to the front to fight for their country, it is not surprising that when the government passed the hat in the form of an income tax the people at home contributed willingly. But with the close of the war the people decided that the tax was no longer needed, and they began to stop paying it. Between 1866 and 1867 the total tax fell off nearly 10 per cent without any change in the law. In 1869, out of a population of 40,000,000 only 272,843 admitted having incomes over \$1,000. Between 1870 and 1871 20,000 taxable incomes of over \$2,000 vanished from the lists. Mr. D. A. Wells, connected with the Treasury Department at the time, a man appointed by Lincoln on a special finance commission, says: "Those only who were officially and intimately connected with the internal revenue depart-

ment of the United States Treasury can form any adequate idea of the amount of perjury and fraud that characterized and pervaded the country during the years 1867-1872."

And when the income tax of 1894 was proposed, Mr. Wells, speaking from intimate knowledge, said: "One would naturally think that the lesson of experience which the government and people of the United States have already had, would restrain further experimenting with this subject until the next war, or the arrival of the millennium."

To quote once more from the New York Special Tax Commission: "The national income tax during the civil war was a notorious offender in this respect, inefficiency. The amount of revenue derived from it was ludicrously small; in fact, from careful investigations it has been shown that in the state of New York the federal income tax worked scarcely if at all better than the personal property tax."

In the American states and nation, then, the income tax graduated and ungraduated, has been fairly tried and has been found wanting.

But we wish to show, in the second place, that by the very nature of the tax it cannot be a success. As the New York Tax Commissioners put it: "The reason of the failure is to be found in the economic conditions of American life. These conditions cannot be changed by law. They are the same conditions which have made the personal property tax a failure."

And what are some of these inherent reasons which

must cause the failure of any tax, self-assessed as this must be?

Any tax is unpopular; but this will be especially so since it will be direct instead of indirect. The large exemption contemplated will be regarded as unjust by those who have to pay. The demand for a detailed statement of income will be regarded as unwarranted and inquisitorial. We do not argue that this is a proper frame of mind. We simply state it as a fact which must be considered. And not only will this tax arouse more bitter opposition than any other federal tax, but it can be and will be more easily evaded than any other federal tax. The reason for this, as we have frequently said, is the fact that the only way to enforce a graduated tax is to ask men to reveal the total amounts of their incomes. It is no slander on the American people to say that such a tax will be evaded. It is simply a statement of fact based on the notorious failure of our income taxes in the past, and the present failure of the personal property taxes.

Now this is a financial measure. Why in the name of common sense should the Federal Government abandon its policy of indirect taxation to lay a direct tax which it knows in advance will be bitterly resented and widely and easily evaded?

But we are told that this tax is so just that we ought to pass it anyhow! But the "justice" of the tax vanishes when it is not enforced. Is not the personal property tax just in theory? And what is more unjust in practice?

This brings us to our final objection to the income tax: It not only fails to accomplish its theoretical justice, but it results in practical injustice and evil; for such a tax is a tax on ignorance and honesty. Some revenue, undoubtedly, would be raised by such a measure. But if it is only a partial success in collecting the revenue on a nicely graduated scale, it becomes a total failure from the standpoint of justice, and, as Mr. Roosevelt admits, is worse than no tax at all. It would work practical injustice; would breed contempt for the law; and would invite perjury, corruption and fraud.

Therefore, since the Federal Government is not supposed to use its right of direct taxation except in an emergency; since there is no financial need at the present for any new federal tax; since our present system is capable of adjustment to meet legitimate expenses for the future; since in the last resort a graduated tax can be collected only by self-assessment and personal statement; since such taxes have been tried without success in this country; and since the reasons for their failure are inherent—we of the negative submit that the Federal Government should not levy an income tax and, twice over, that it should not levy a graduated income tax.

FIRST NEGATIVE REBUTTAL, MERRILL I. SCHNEELY

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: Our honorable opponents argue that we need the income tax to introduce stability into our revenue system. They say that our revenues fluctuate a great deal, so that one year we have a large surplus, and the next

we are confronted with an equally large deficit. Is it something about which the nation has felt seriously concerned? The welfare of the country has at no time been endangered by these surpluses and deficits, nor have we heard them seriously deprecated before this evening.

But if surpluses and deficits must be done away with, we have in the present internal revenue a means of adjusting income to outgo as exactly as any direct tax could possibly do. In 1899, prior to the Spanish-American war, the internal revenue receipts were \$273,000,000. In the following years the rate of tax was raised on account of the war. The receipts promptly rose, and in 1901 stood at \$306,000,000, an increase of \$33,000,000. In 1902 the former rates were restored, and the receipts at once fell to \$271,000,000, within \$2,000,000 of their original amount before the change. This is an excellent illustration of the elastic nature of the internal revenue, its ready expansion and contraction to meet the financial need.

England has been cited as an illustration of a nation which uses with success the income tax as the regulator of its fiscal system. But the nicety with which England's income is adjusted to expenditure is not due solely to an income tax, but to the fact that she possesses a financial system—something which is lacking with us. There the control of expenditures and receipts is in the same hands. The budget and bills for raising revenue both originate with the Chancellor of the Exchequer, and are passed in Parliament as government measures without being cut to pieces. In our Congress, on the

other hand, the making of appropriations is under the management of a half a dozen committees, whose work is independent one of the other, and based entirely upon the estimates of bureau chiefs eager for appropriations for their own divisions. In Congress the committee's bill may be changed altogether.

The gentlemen of the affirmative have cited the experience with the income tax during the Civil War as a proof of its stability and certainty of yield. Are they willing to stand by the facts? In the years 1865 and 1866 the same law that produced \$32,000,000 in one year, gave \$73,000,000 in the other, a variation of 128 per cent. Between 1867-1868 the variation was 38 per cent; between 1868-1869, 17 per cent; and between 1871-1872, 36 per cent. The largest variation in the custom receipts in recent years was 14 per cent between 1907 and 1908. Yet the gentlemen propose to use an income tax to introduce stability into our system!

We have heard a great deal about the tariff and its injustices. But our opponents have not shown that in relieving the burden on the consumer by a reduction of rates, an increased revenue will not result. We gave you statistics proving that a great number of our schedules are prohibitory and now shut out imports, and showed that if these rates were lowered, imports would come in in larger quantities and revenue would actually increase. We have not argued that the tariff as it stands is a model of justice, but if it is not equitable, it can be made so by levying heavier taxes upon articles of luxury used by the wealthy. Now, if a reduction of the tariff

is needed to give justice to the consumer, and if that can be accomplished, as we have proved, with an increase of revenue instead of a decrease, what is the reason for an income tax?

We have now proved that an income tax is unnecessary because our present revenue system is adequate for our immediate needs and will remain adequate in the future; that a downward revision of the tariff will mean an actually increased revenue; and that the addition of a superfluous tax will roll up an enormous surplus, for which no legitimate use can be shown. We have further proved that graduation is incompatible with collection at source; that self-assessment has proved a miserable failure; and that any attempt to use either method would result in grave injustice.

Therefore, Honorable Judges, not a single plausible reason exists for imposing this tax upon the American people. Not required by the country's financial needs, unsound in theoretical justice, proved by all history to be an impracticable dream, its adoption would not only be unnecessary, but politically and morally indefensible.

SECOND NEGATIVE REBUTTAL, ALBERT F. MECKLENBURGER

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: In speaking of the supposed injustices of and the inquisitorial nature of the present internal revenue, the gentlemen have referred to "bloodhounds on the trail of the moonshiner." Now, we have no objection to the bloodhounds on the trail of moonshiners or other law-breakers, but we do object to bloodhounds on the trails

of innocent people—on our trail, on your trail, and on the trail of the whole American people, hounding down each small bit of income and locking it up in the federal treasury. We do object to hounding the 20,000,000 renters, every debtor and every employer in the United States, and making them pay over the tax of the landlord, the creditor, or the employee, as the case may be. We do object to the locking up of millions of dollars thus wrongfully collected by the Federal Government and placing the burden upon practically every taxpayer to prove either that he should not be taxed at all because of exemption; or else that he should be taxed at a lower rate than has been collected from him.

Mr. A. M. Scharff, of the Association for Collecting Abatements and Refunds for English income taxpayers, has said: "What justification can there be in putting the taxpayer to the expense of interpreting the laws of the country as between the country and himself? Because the expense of fighting an injustice is nearly always very much in excess of the amount in dispute, the poor taxpayer must bear it—and grin if he can."

The result of such a system would be that only the ignorant and the honest would pay taxes. On several grounds we have forced our opponents back upon self-assessment as the only possible method of collecting a graduated federal income tax. Self-assessment is the basis of the personal property taxes in the states, about which the gentlemen complain, and yet they practically admit that the income tax will not work any better. Personal property taxes are evaded by the very rich. So

also will the income tax be evaded by the very rich. Personal property taxes bear most heavily and most unjustly upon the honest middle classes. So also would the income tax bear most heavily upon the honest middle classes; and for the same reason—that the only way to collect it is through self-assessment.

The gentlemen present an impossible system when they propose that the tax shall be collected at source at the highest rate in the graduated scale, and that exemptions and rebates be allowed, refunding all that has been collected to those taxpayers who prove that their incomes are less than \$5,000, and refunding a part to those who prove that their incomes are above \$5,000 but less than \$15,000. They say that this is the English system, but the Select Committee of the House of Commons in 1906 reported that exemptions and abatements could apply only to small incomes, incomes between \$800 and \$3,500. They reported that these small abatements were a comparatively simple matter. The report shows the abatements and refunds are only a minor element of the English income tax; that only £1,600,000 is thus refunded out of a total of some £40,000,000 annually collected. To raise the exemption and allow abatements on larger incomes means increased complexity of the system, because it applies to more people, and each claim becomes more complex as the amount involved increases. The preparation and verification of this vast hoard of claims, awaiting the law's delay, the committee says, "would arouse a feeling of resentment against the tax, which it is very desirable to avoid." They further point

out that any material extension of the system could lock up millions of dollars annually pending the settlement of abatement claims. This would mean serious injury to business and to commerce. And the Select Committee, considering these factors, refused to recommend that abatements be applied to incomes in excess of £1,000—\$5,000. The gentlemen of the affirmative would make an exemption of \$5,000, and allow abatements up to \$15,000; and they call this the English system.

Raising the exemption does not help matters. The tax will be collected from you and me, and from every other man, woman and child in the United States. The exemption simply means that any man, who can prove to the Federal Government that his total annual income does not exceed \$5,000, will be paid back all that has been collected from him. Taking \$5,000 as a starter for exemptions and graduating by abatements up to \$15,000, the gentlemen multiply by three the limit beyond which the Select Committee of the House of Commons say the system would become unwise, unjust and impracticable; and yet they call that the English system.

Now, because collection at the source has worked in England is no sure proof that it would work in the United States. England is a small country, her population is congested, and the greater part of the business of the country is conducted through one bank, the Bank of England, making it possible to get many incomes at source which could never be ascertained in the United States. With our population scattered over millions of square miles, not only are there more incomes in the

United States, but they arise from more and more diversified sources, widely different in kind as well as in locality. And yet it has taken England, with her far less difficult task, some sixty years to perfect to its present efficiency the system of collection at the source. Shall the United States Government, for no good cause shown, undertake an impossible task?

The affirmative seem to be especially anxious that the rich man should be taxed more than he is taxed at the present time. Now, we are not defending the rich, but taxation is not an end in itself. It is but a means to an end. They have pointed out that the primary end of taxation is to support the taxing body. Now, if the tariff and other present federal taxes raise enough to support the taxing body, why shall additional taxes be imposed upon anyone? Taxing somebody else does not relieve you, nor the American people generally of any burdens which they bear now. And we have shown that the federal revenues are sufficient and will remain sufficient for federal needs.

Not only do we not need a graduated federal income tax, but such a measure is not practicable, and it cannot be justly worked.

To quote Prof. Seligman, again: "We are thus reduced to the dilemma: A progressive income tax corresponds to the demands of ideal justice; but a lump-sum income tax, at least in Anglo-Saxon countries, is, in practice, more or less of a failure; and a schedule income tax is not susceptible of graduation. The desirable, therefore, is not practicable; that is, it is practic-

ally undesirable. In other words, a really successful progressive income tax is an infeasibility."

THIRD NEGATIVE REBUTTAL, ARTHUR P. SCOTT

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The affirmative argument for graduation is contradictory. First, they say that the rate should rise with the size of the income above the limit of subsistence. This is the principle of the Prussian graduated tax. If a tax is to be graduated at all, the only conceivable reason for it would demand that the graduation be continued to bear more and more heavily on the vaster and vaster income. We are not satisfied that such a tax is just even in theory. The liberal exemption proposed covers all necessary expenses. Why, then, on surplus incomes is not a flat rate tax the only just one?

Now note that the Prussian tax, being genuinely graduated, cannot be collected at source. If any such scheme as that proposed by the affirmative were practicable, it would long since have been tried in Prussia. As we have repeatedly pointed out, a genuinely graduated tax can be collected only by self-assessment. Consequently, as Professor Seligman says: "In Prussia the assessment is little better than that of personal property in America."

Realizing, then, that a real graduated tax must be self-assessed, and admitting that it would then be a failure, the affirmative suddenly shift their ground, stop graduation at \$15,000, and try to graduate under that level by a complicated plan of collecting on all incomes

and rebating on most incomes at a varying rate. It is absurd to think that such a scheme, which does not graduate the really big incomes—the ones after all, that seem to worry the gentlemen of the affirmative—is a genuine attempt at thorough-going and bona fide graduation. If graduation is a good thing at all, why neglect the really big incomes?

Another point has not been properly explained: If the income tax is levied, what assurance have we that it will not be promptly shifted back again onto the poor and middle classes in the form of slight increases in rent, and slight increases in prices? Hetty Green has most of her money in real estate and mortgages. A clause in her New York mortgages provides that in case the state of New York levies an income tax, these mortgages become due immediately. A tax on these would be promptly passed along to her debtors. And so with other great fortunes which control the machinery of corporations. Is anyone simple enough to believe that any income taxes paid by the great fortunes will not be promptly shifted? The regulation of great fortunes may be a legitimate duty of the government; that is not our present question. But if it is undertaken at all, it must be by more direct and effective measures than by passing the hat for an income tax!

We believe, then, that we have shown that there is no need for any new federal tax at all; that the present revenue system is adequate financially, and that it will remain so. We have pointed out that the injustices which are complained of by the people can be remedied

by proper tariff revision, and that, too, without loss of revenue.

Further, we have shown that, even if some other federal tax were needed, the proposed tax is highly undesirable, since it has always failed in this country, for reasons which are inherent; and its partial collection would cause injustice and oppression.

Therefore, the Federal Government should not levy a graduated income tax.

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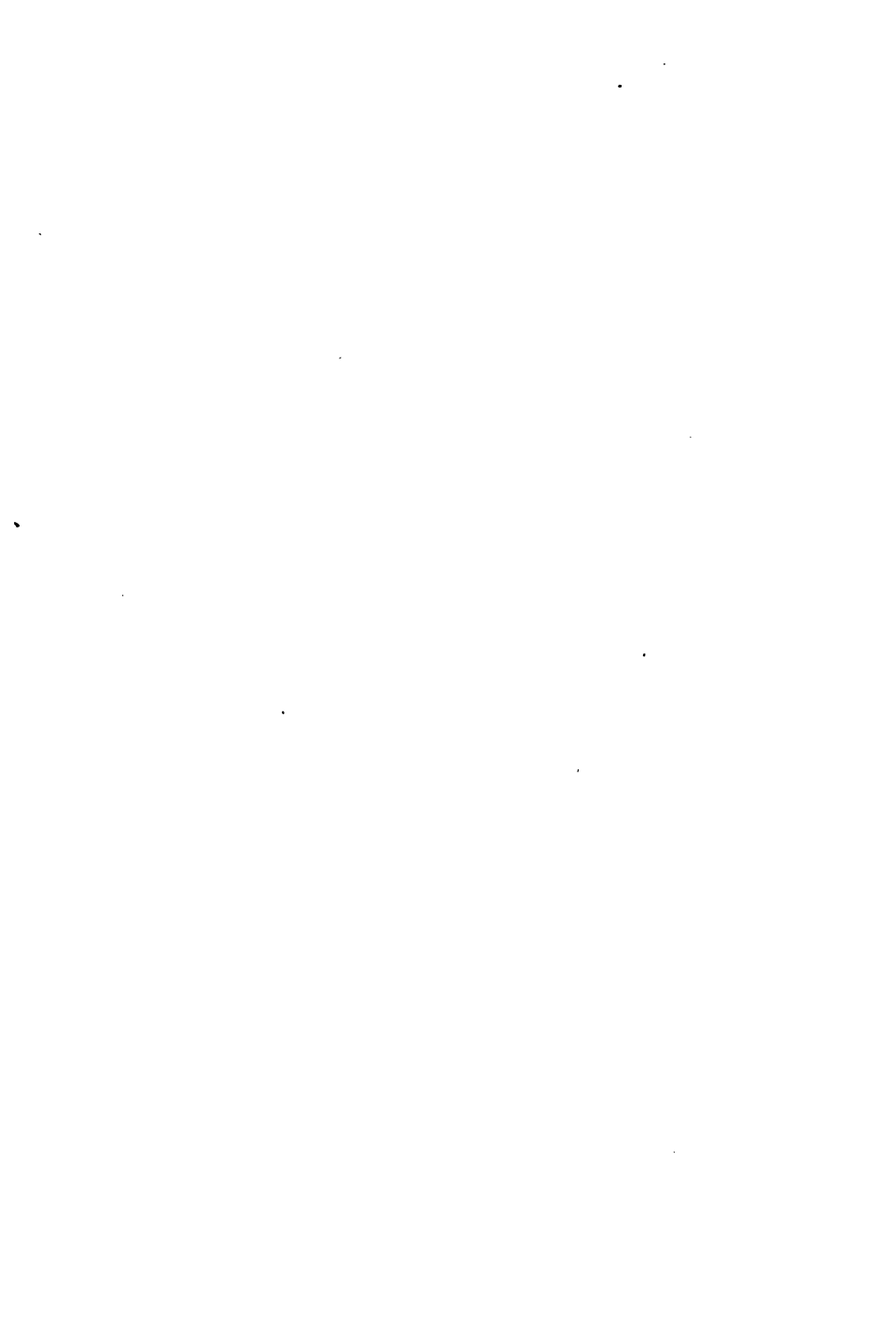
Brown University vs. $\left\{ \begin{array}{l} \textit{Dartmouth} \\ \textit{and} \\ \textit{Williams Colleges} \end{array} \right.$

On the evening of March 2nd, 1911, Brown University met Dartmouth College on the Affirmative and Williams College on the Negative of the question:

Resolved, that in American municipalities of 25,000 or over, a tax on the rental value of land exclusive of improvements should be substituted for the general property tax.

Brown won from Dartmouth at Providence and lost to Williams at Williamstown. The three schools meet annually in a triangular debate.

The speeches given here and the summary were contributed by the Brown University debaters and by Mr. M. J. Wessel.



TAX ON THE RENTAL VALUE OF LAND

*BROWN UNIVERSITY vs. DARTMOUTH
COLLEGE.*

SUMMARY OF BROWN AFFIRMATIVE, FROM THE UNIVERSITY
DAILY.

- I. The general property tax is defective, for
 - A. It increases idleness.
 - B. It increases waste.
 - C. It creates and encourages speculation.
 - D. It develops dishonesty in the community.
- II. The proposed tax will have the following specific benefits:
 - A. It will remove restrictions on idleness, waste and production.
 - B. It will aid in solving the most important social problems, for
 - (1) Most of the problems are due to inadequate incomes.
 - (2) The land tax will lighten the burden of taxation which in the last analysis falls today on the poor, for
 - (a) It will only tax the land.
 - C. It will remove the temptation of cheating the municipal government.

WILLIAMS COLLEGE vs. BROWN UNIVERSITY.

FIRST NEGATIVE, D. G. DONOVAN, BROWN.

Gentlemen: The affirmative has just laid before you a proposal for a change in our system of taxation, a change involving the abolishing of two of our present taxes, the personal property tax and the tax on improvements, and a levying of the entire tax on the rental value of land.

In considering this question we must remember that we are debating, in the first place, a taxation policy, a means for raising necessary revenue for the government, and the proposed scheme must be measured primarily as a practical tax. All considerations of social reform are secondary. If the land tax is to be accepted it must be justified first and foremost in accordance with the fundamental principles of taxation. If the proposed scheme can be shown to be a better working tax than the general property tax, and besides that renders social benefits, well and good, but it must first of all be a good working tax.

It must be borne in mind throughout the discussion that the plan which the gentlemen of the affirmative advocate is a plan which has never been tried on such a comprehensive scale as they propose. It has only been tried on "the dog," that dog which is forced to swallow every scheme that the theorists may devise, New Zealand and kindred colonies. No thorough trial under conditions in any way similar to those of our American cities

has put the plan to the proof. We have no way of knowing that the scheme would be at all practicable in our cities. Its virtues are only problematical. This theoretical scheme must be measured with our present tax which has served the country through one hundred years of prosperity. But even comparing this paper scheme with our practical system, we believe that the general property tax will not suffer by the comparison. We think we can show you that there are fundamental evils in the proposed plan, that it is based on fundamentally wrong principles and has irradicable defects, while the general property tax is based on fundamentally correct principles, and such faults as it has are faults that can easily be remedied.

But if we are to judge the two plans, we must have some very definite principles on which to work. If we are to find out how the two schemes compare as methods of taxation, for as such we must judge them, we must first inquire what the fundamental principles of taxation are.

A tax is defined in Palgrave's "Dictionary of Political Economy" as "the premium paid by every citizen to insure the protection of his person, the security of his property and earnings, and such common advantages as are best attained by the intervention of the government." Now what are the principles by which this premium should be levied? In the first place it is evident that the system of taxation must be such that it will be adequate to supply the needs of the government. Then, again, the principles of our democracy demand that no tax shall be

imposed except by the consent of those for whom the tax is collected, consent given either directly or through their representatives.

Now as to the distribution of the tax. Practically all economists agree on the principle that all the members of every community ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities. The reason for this principle is found in the fact that government is for all, and though all do not receive equal benefits, yet all are equally bound to support it. Every man in the community has an equal duty in the social evolution of the race, an evolution that good government alone can bring about. Therefore, it follows that it is incumbent on each man to pay taxes to the support of the government in proportion to his ability, that each man undergo an equal amount of sacrifice for the good of the community. These, then, are the fundamental principles of taxation upon which every just and practicable tax must be based.

It is on these fundamental principles that we build our case, for we shall show you that the proposed plan fails absolutely to recognize these principles, while the present general property tax with a few slight changes can be made to be in exact accord with them.

Let us proceed to the comparison of the two methods, using these principles of taxation as our measure. In the first place, let us compare the two systems in regard to the principle just stated; that each member of the community should pay taxes in accordance with his ability.

First. The general property tax is based upon this principle: that each man shall pay according to his ability. Thus it levies a tax on the whole of a man's property, his land, his improvements, on his land, and his personal property. It goes on the assumption that the entire amount of a man's property measures his ability to pay better than simply one kind of property. For a man's property is a direct indication of the wealth that a man is able to acquire over and above his running expenses, and consequently it is an indication of the amount of money that any man can afford to pay as taxes. Thus, the general property tax, assessing the whole of a man's property, is based upon the fundamental principle that each member of the community should pay taxes in accordance with his ability.

But the objection is raised that although the tax is based on this principle, it does not live up to it as well as a tax constructed on more imperfect principles, because of evasions of the tax and consequent uncertainty of assessment. We grant that there are faults in the general property tax. But we say that every tax that aims at perfection is bound to fall somewhat short of the mark, and we contend that this is no reason for ceasing to aim at the mark. Moreover, we believe that the faults of the general property tax are faults that can very easily be remedied; in fact most of them are faults not inherent in the tax itself, but are purely those of administration—faults that can and are being cured.

Much of the difficulty in certain assessment has been due to the corruptness of officials. The rottenness of our

city governments has been a byword; the laxness of tax administration has been pitiable; our ideas of civic honor have hardly been impeccable. Under these conditions every tax, indeed every function of government, was bound to be mal-administered, and the general property tax was no exception. But we can hardly blame that on the tax. That is hardly a sufficient reason for a change in our entire system of taxation. Moreover, even this difficulty, purely administrative as it is, is being offset. The great wave of civic reform that has swept over the country during the last few years has been known to all. The possibilities for corruption and for lax administration are every day becoming less. Recently there has been a movement for more centralized and adequate supervision of tax assessments. Last year tax departments with duties of supervision and central control were established in the states of Ohio and Oregon, and within the last few weeks, a tax commission reported favorably to the creation of such a department in Rhode Island. These civic reform movements will do much to allay the ills in the assessment of the general property tax.

But if, after stricter honesty has been enforced through these means, we still hear complaints against the tax, there are other measures to which we may resort, for it must be borne in mind that the general property tax is an elastic tax offering great possibilities for adjustment. The only objection that is made to the general property tax is that intangible personal property often escapes assessment. The cure for this ill is surely not abandoning the tax altogether, and letting the owner of personal property go

scot-free, but rather in getting at intangible personal property in some other way than by direct assessment. Intangible personal property is usually in the form of shares in some very tangible property, mortgage on houses or lands, and shares of stock in business concerns. The reform that many tax commissioners have proposed is the taxing of tangible property or capital stock which the intangible personalty represents to the full extent, letting the tax fall indirectly on the owner of the intangible property through a decrease of dividends. The plan has been tried in Massachusetts with stock companies very successfully. By this means it can be seen that we are preserving our fundamental principle that each man shall pay in accordance with his ability, and at the same time we are securing certainty of assessment.

So we see that whatever objections the general property tax may be open to, they can easily be met by slight changes. The tax cleaves to the principle that each member of the community shall pay taxes in proportion to his ability.

On the other hand, the tax on land fails absolutely to recognize this principle. It taxes each man not according to his ability to pay, but arbitrarily, in proportion to the amount of land that any man may happen to own. It fails to recognize the duty that every man bears to the government, and for the sake of some rather visionary social reform, it throws aside this fundamental principle of taxation, which every tax must follow if it is to be fair and just. Therefore, it is our contention that we should not abandon this general property tax, correct in

principle and sound in practice, and adopt an untried, theoretical scheme, which is fundamentally wrong in principle.

SECOND NEGATIVE, W. R. BURGESS, '12 BROWN.

Gentlemen: The first speaker has shown you that the scheme that the gentlemen of the affirmative propose must be measured by the fundamental principles of taxation. These principles, he has pointed out to you, are the distribution of the levy according to ability to pay, the adequacy of the tax to meet the varying needs of the government, and the consent of those who are taxed. Taking up the present general property tax, he has shown you that in each particular the tax is based upon these principles, its faults being solely faults of administration that can be and are being corrected. The affirmative have proposed doing away with this tax fundamentally right in essence (a tax that is operated under various names all over the civilized world) and putting in its place a theoretical tax that has practically never been tried, and whose virtues can only be problematical.

It remains for the next two speakers on the negative to take up the proposed plan more in detail and show you that it fails to accord not alone with one but with all three of the fundamental principles of taxation.

As the second speaker, it is my duty to make it evident that the proposed plan is in direct opposition to the fundamental principle of tax distribution, that each member of the community shall be taxed in accordance with his ability to pay, every man being bound by an equal duty to support the government.

According to the ability theory, as my colleague has shown, every member of the community should pay taxes in proportion to the amount of property that he possesses. The proposed plan makes no effort to tax the whole of a man's property, but arbitrarily selects one form of property to bear the whole burden of the support of the government, a kind of property that some men own and some men lack.

If the affirmative is to justify this position, it is necessary that they prove beyond a doubt that the landowners are the only people that are able to pay taxes, and that the amount of land that any man owns is a direct indication of the amount of taxes that he is able to pay.

But the affirmative make this defense, that land is peculiar in that its value depends on the community, is created by the community, and therefore belongs to the community. Even if this were true, land has so long been dealt with as any other product of our economic system that no distinction can be made. Land and rental value of land has been bought and sold for so long under the same conditions with other commodities under the insured protection of the government that it can now in no way be separated from them commercially. But for the sake of argument let us examine the matter closely and see whether in essence land values are exceptional in being created by the community. Mere things that cannot be used are valueless. Value has to do with use. Man has created nothing, but he has created the value of everything. He has created land values by adapting land for use by draining, filling, planting, building, and

so forth, in just the same way that he has made other forms of property valuable by adapting them for use.

But no one citizen can claim to have created the value of any other form of property independently of the community any more than he may claim to have created land values without the community's playing a part. Values are purely relative, every part of the system being dependent on every other part. Thus the share of stock is dependent for value on the increase or the prosperity of the community, which, in turn, depends on the prosperity of all the business concerns. The value of a daily newspaper, of a milk route, of a gas concern all depends on the community. There is absolutely no difference in kind between the value of land and that of other forms of property. The efforts of the community have made both. Thus the land taxer must inevitably fail to make a true distinction between land values and the value of other forms of property, and, therefore, must fail to justify the plan that he advocates by the fundamental principle of tax distribution, that every man should pay taxes in accordance with his ability to pay.

As a result of the failure of the tax to accord with this principle, if introduced into this country, we should not only have after that introduction an unsound system of taxation, but the institution of the tax would cause a serious economic disturbance. Its adoption would mean immediately a decrease in the market value of land from 60 to 80 per cent, and correspondingly startling results in the many industries and businesses that have to do with land.

In the first place, it must be remembered that value, the market price of anything, is purely relative. A commodity is worth so much in relation to gold or to food or to some other commodity. Our whole economic system is a network of these comparative values, each one depending on the other, a delicate fabric, woven and interwoven. Now the general property tax goes under the "leave them as you find them principle." It levies its taxes on all forms of property with an equal pressure on each, and so affects values, which are comparative, not one whit. The delicately balanced machine is undisturbed. Whatever inequalities there may have been originally in the practical working out of the system, the economic mechanism has gradually fitted itself to them as it has grown up with the tax system.

Now into this delicately poised and finely adjusted organism, the land taxer crashes with a force that is far from leaving values undisturbed, but rather, without any careful consideration of economic results, destroys values at random under the guise of taxation. It would be difficult to predict all of the results that would follow the adoption of such a plan, but a few of the more obvious may be shown.

In the value of land we should notice the first great change if the plan were adopted or even if it were proposed. Levy the entire tax on land values and immediately land becomes less valuable for use than other forms of property. Let us see, for example, how a particular case would work out. In the city of Providence the tax on land values at present represents about three-eighths

of the general property tax. At present the rate is 1.6 per cent. Under the land tax the land would bear the whole burden of the tax; in other words, a tax of 4.3 per cent. Thus the net income of the land usually figured now at five per cent of the value of the land would be cut in less than half, reduced, in fact, 2.3 per cent on the value of the land. And thus the land yielding only half as much return would be worth only half as much. If you bought a piece of land last year for \$10,000 under the general property tax and wished to sell it this year when the land tax is in force or even projected, you could not get more than \$4,000. If the gentlemen of the affirmative persuade you in favor of the land tax, you must be ready to hand over to the government more than half of the value of all the land that you own, while the millionaire who does not happen to own land may enjoy his goods without disturbance from the tax assessor.

Again, in the city of Cambridge the land is now bearing a third of the burden and consequently if the land tax were adopted, the present land tax would be tripled and two-thirds of the value of any piece of land would be confiscated. In other words, men who have paid for the land that they own by their own labor, just as have the owners of other forms of property, are robbed of from one-half to two-thirds of the value of their property. And this goes under the name of taxation, the fundamental principle of which is that every man shall pay taxes in proportion to his ability.

If a step like this were necessary for the securing of revenue for the government, I could suggest a plan that

would work much more simply. Would it not be advisable for the government to appropriate the property of all the men in the country who own more than one hundred million dollars (almost all large fortunes are the result of speculation of some kind) and use the income for carrying on its activities? Then we should do away with all difficulties of assessment and collection of taxes; then no one would feel the burden of taxation; the rich men would not feel the loss after they were dead. In the words of the single taxer, industry would immediately prosper, freed from its crushing burden, and the millennium would come with giant strides. But you object that this would be robbery? Can the proposal of the land taxer be described by any more appropriate term? The government simply seizes a portion of the individual wealth of the land, and with this wealth pays its annual expenses.

But apart from the land owner—would any one suffer from the adoption of the land tax? I have already said that our economic system is a nicely balanced mechanism. What effect on this mechanism would the sudden reduction of all land values have? In the first place almost every state bank and trust company in the country has a large amount of its securities in the form of mortgages on real estate. On the redemption of these mortgages depends the credit of many of the banks. This is a fact that the depositors know. Ruin the value of these mortgages by the introduction of the land tax, and you will have a run on nearly every state bank and trust company in the country, with a consequent destruction of credit,

bringing with it disaster known only too well in this country with its system of inflated value in every industry.

Even if the land tax were a good thing it would be impossible to introduce it into this country where the economic system is fixed. In new communities it is possible to try every scheme that the fanatic may devise, but not in the municipalities of the United States where the economic system is settled after years of use. Any such destruction of values as the affirmative propose will deal industry a crushing blow from which it will take years to recover.

The introduction, then, of the land tax means a confiscation by the government of more than half the land values of the municipalities, robbing one class with the vain vision of helping another class, and it means, as a result of this change of values, a staggering blow to industry. And what does the country receive in payment for this great sacrifice? A system of taxation that is fundamentally unsound in principle, a system that has never been tried, a system that can be justified by no rule of equity or righteousness, a system that offers instead of the sound elements of taxation a visionary palliation of social evils.

THIRD NEGATIVE, L. L. LETTS, CAPT. BROWN TEAM.

Gentlemen: We have just listened to a touching dissertation setting forth the wonderful results that would follow the adoption of an exclusive land tax. We have been told that rents would be reduced, production stim-

ulated, and that fine buildings, like mushrooms, would spring up everywhere. As proof that all these phenomenal results would be brought about, our opponents have given you their convictions. We of the negative do not believe that a question of so great importance to the American people can be solved in any such visionary fashion. We believe that a satisfactory conclusion can only be reached by a careful examination of the facts. With this in mind I wish to invite your attention to a consideration of this single tax from a purely practical point of view. I shall show you wherein it would be entirely unwise to adopt such a system in our cities. Nor am I, by any means, the first to arrive at such a conclusion.

I have here the report of a special committee on taxation laws of the state of Rhode Island, which was submitted to the general assembly in January, 1910. I might add that within the last three months this report has been cited by the United States bureau of commerce and labor as one of the most thorough and commendable works on the taxation problem that has as yet appeared. This expert committee spent two years in examining conditions in every state in the union. They considered the various proposals for tax reform that have from time to time been advanced. Yet in their report they not only brand the single tax as impracticable but they condemn the identical proposition which we have here offered to us—that of permitting the cities to raise their tax budget from land alone.

What are the practical reasons that have led to the uni-

versal rejection of this fantastic scheme? For, as you have already seen, the system as proposed by our opponents is in operation in no country of the world. The first practical objection to which I wish to call your attention is the inelasticity of a tax such as has been presented. It would violate that cardinal principle of taxation which demands that a system be easily adjustable to the changing needs of government. Our municipalities must have a revenue that can be raised or lowered with ease to meet any situation in their financial life.

You will have noticed by the terms of our question that the maximum tax which we could raise by the proposed system, cannot exceed 100 per cent of the rental value of the unimproved land, exclusive of improvements. In those cities where the present expenditures would consume practically all of the economic rent there would be no reserve to draw upon in case of emergency. Take, for example, Providence, which is very typical of large cities. According to the chairman of the tax assessors of that city, it would require about 85 per cent of a liberal economic rent for the land to raise their present budget. This would leave only a small margin of 15 per cent. This petty reserve would be quickly wiped out during a financial crisis when the withdrawal of capital from production would reduce the value of the land. But this is not the only way in which a land tax would be inelastic. Every time that a change in rate was made in order to meet new requirements of the government one class, and only one, would be affected. Since the burden of a rise would fall entirely upon the land

owners, they would oppose it with all their might. And since the lowering of taxes would mean fewer public privileges for the non-land owners, they would oppose any reduction. Thus we have a situation in which it would not only be difficult to increase revenue, but it would be difficult to decrease it.

This leads us to a consideration of another serious and very fundamental objection to an exclusive land tax. It would create a condition whereby the small tax paying class could not control the public appropriations. Thus we should have a violation of the third fundamental principle by which we are measuring the relative values of these two systems.

No one can have read the history of England, France or of the American Revolution without being convinced that in all matters of taxation the public appropriations must be within the control of the individuals upon whom the tax is to fall. For us to adopt this economic delusion of our opponents would be to ignore the lessons that history has taught us. It would divorce the economic interests of the majority of our municipal citizens from the interests of their government. For example, in 1900 there were in the city of Providence about 42,000 legal voters and only about 8,300 who paid taxes upon real estate. Now, generally speaking, we may regard the real estate owners as the land owners. Thus, it is only a simple matter of arithmetic to determine that under any system of taxation which rests entirely upon land, less than 40 per cent of the voting population would have to pay all the taxes. That 40 per cent would have

to bear the burden which could be imposed upon them by the other 60 per cent.

Laying aside the consideration as to whether the result would be good or bad, do you think it would be wise to establish even within our large municipalities a condition whereby the minority could be compelled to pay the taxes forced upon them by the disinterested majority? Not only this, but every indication, would go to show that if the land tax should be adopted this condition would be even more prominent. You have already gathered from the gist of the affirmative contentions that under this land tax scheme no one could afford to hold land who would not be able to erect buildings upon his property. Further, the land tax in absorbing the value of the land, would make it impossible for the owner to mortgage his holding in order to borrow money with which to improve it. Thus, as a result of this double action the city land owned by those in moderate circumstances would tend to find its way either into the hands of the government as a result of the non-payment of the unjust taxes, or else into the possession of the rich. The point here is this: as conditions are today, only a small minority of the voting population are land owners, and if a land tax were adopted this minority would become even smaller. Thus we may readily see the weakness of a system of taxation which would arbitrarily seek to place the burden of the many upon the shoulders of the few. It is safe to say that no amount of rhetoric or oratory will ever convince intelligent Americans of a scheme so obviously unsound at its very base.

The negative has, during the course of this discussion, measured the relative worth of the general property tax and the land tax. We have used as a standard of measurement what eminent economists have termed the cardinal principles of taxation; namely, that the burden shall be distributed in proportion to individual ability; that the system shall be elastic in permitting an easy adjustment to the changing need of government; and that the principle which history has shown to be a vital one requires that the tax payers be able to control the levying of their taxes. We have shown you that in each instance the general property tax conforms to these principles as closely as we could expect any humanly organized institution to conform to them. On the other hand, the land tax proposed is, in each instance, a direct contradiction of these principles. Thus, briefly refreshing the nature of the considerations which we have presented to you, the negative is willing to rest its case.

THE GRADUAL ABANDONMENT OF THE PROTECTIVE TARIFF

Swarthmore College vs. $\left\{ \begin{array}{l} \textit{Franklin and Marshall} \\ \textit{and} \\ \textit{Pennsylvania State College} \end{array} \right.$

In the quadrangular league composed of Swarthmore, Dickinson, Franklin and Marshall, and Pennsylvania Colleges, which debated the Abandonment of the Protective Tariff March 3rd, 1911, three decisions were for the negative and one for the affirmative. Dickinson won on both sides of the question, while Swarthmore, whose debates follow, lost on the affirmative to Franklin and Marshall at Lancaster and won at Swarthmore on the negative against Pennsylvania State College. The question was stated as follows:

Resolved, That our legislation should be shaped toward the gradual abandonment of the Protective Tariff.

The debates were contributed by Mr. Paul M. Pearson, Head of the Department of Public Speaking at Swarthmore, and editor of Volume I of Intercollegiate Debates.

THE GRADUAL ABANDONMENT OF THE PROTECTIVE TARIFF

*SWARTHMORE vs. FRANKLIN AND
MARSHALL.*

FIRST AFFIRMATIVE, JOSEPH WILLITS, CAPT.
SWARTHMORE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The issue to be discussed this evening is "Resolved, that the legislation of the Federal Government should be shaped toward the gradual abandonment of the protective tariff." In other words, Is the Federal Government now warranted in taking the first steps in the gradual removal of those high taxes on imports, which people know as the Protective Tariff? Has the protective tariff sufficiently accomplished its purpose to warrant us in beginning to end the manifest injustice of taxing 90,000,000 freemen that a favored few might prosper?

We of the affirmative believe that such a step is justified. We believe that we have reached such a point in our industrial development that the continuance of these high protective duties not only is unnecessary and unjust, but is dangerous. In short, we take the position that our policy should be altered as follows:

First, we propose by means of reciprocity and congressional revision, to remove the tariff from all such industries as have shown themselves able to compete with foreign industries.

And we advocate as our second big step toward abandonment, the removal of the protective tariff from all industries as they demonstrate their ability to live without the inspiration of the tariff. This policy would be directly opposed to our established policy of letting the tariff continue protection after they do not need it.

The recent 25 per cent reduction on steel and the recent treaty suggested with Canada are right in line with our policy of gradual abandonment. Our argument to justify this change in our policy comes under two main heads:

First, we shall attempt to show that the protective tariff has accomplished its purpose. By this we simply mean to show that our manufacturing industries, taken as a whole, are just as big and just as well established as are our other basic industries and hence do not need any special favors; and, further, that a great many of our industries, that are now protected are so well able to undersell foreign rivals that they alone furnish sufficient grounds to change our policy to one of gradual abandonment.

And second, we shall attempt to show that a continuance of our present protective tariff and policy would be injurious. It would be injurious in that it encourages our two most dangerous economic evils—monopolies and high prices, and in that it discourages our three

elemental classes—farmers, laborers, and manufacturers. Upon these two points—that the protective tariff has accomplished its purpose and that its continuance would be injurious—we frankly assume the burden of proof. The negative, on the other hand must defend our present protective tariff and policy. They must show, in answer to our arguments, that our manufacturers, and by manufacturers I do not mean one or two isolated industries such as the peanut brittle industry, but our manufacturers viewed broadly in their relation to other basic industries—are still infants and can only thrive under the sheltering shadow of our protective tariff. They must produce some benefit to be derived from a continued shaping of our legislation toward protection to compensate for the advantages to be derived from shaping it in the other direction.

Let us now consider our first proposition: Has the protective tariff accomplished its purpose? Are our manufacturing industries, and especially some of those now protected, well enough established to warrant us in beginning to lower our tariff wall? Now, right here I want to concede to the protective tariff full credit for the good it has done in the past.

In Washington's time, when foreign competition killed home industry, and we had to send to Europe for every manufactured article we wanted, why then protection was the thing. But even then protection was recognized as but a temporary measure to aid our infant industries until they should reach the estate of manhood. Hamilton and Clay, fathers of American protection, both rec-

ognized the temporary character of protection. To quote Hamilton's exact words: "The continuance of bounties on manufactures long established must always be of questionable policy because a presumption will arise in every case that they are natural and inherent impediments to success." Hamilton then believed that, if an industry could not stand on its own feet after a long period of encouragement, it was stamped as inherently undesirable.

T. B. Read, a more recent apostle of protection, said, "The tariff becomes a dead letter after we can compete with the outside world." Read then took the position that we should begin to abandon the towering tariff duties when those industries can stand on their own feet; when they reach the estate of manhood.

Have our industries reached the estate of manhood? Have our protective tariff duties accomplished their original purpose to give us an industrial life? Look with me at a few of our infant industries that are quite able to toddle about among foreign infants. There are 130 industries in this country each with a capital stock of over \$10,000,000. Surely such industries as these are well established, and it has been truly said of them that they have no more need of protection than a candidate for Congress has for a baby's bottle. Look at the United States Steel Corporation, which is now protected from foreign competition by an immense tariff. The most colossal industrial combination in the world; a corporation with a capital stock of a billion and a half dollars; a corporation, which, according to Andrew Carnegie, last

year divided a net profit of \$158,000,000, and which, according to Judge Gary, of the Steel Trust, in his testimony before the Ways and Means Committee, last year exported \$179,000,000 worth of their products to compete with foreigners in their own markets! A corporation whose capital stock in 1900 equaled 1/67 of the total wealth of the country, whose stock and bonds if redeemed, would give 90 cents to every man, woman and child in the country! Ought we not to knock a few of the bricks off the top of the tariff wall in whose shadow this giant grows fat? Mr. Carnegie himself admits that the Steel Trust does not need one per cent of protective duty.

Look at another helpless babe—the sugar industry, whose tottering steps are now supported by a duty of two cents a pound. Its capitalization is about \$145,000,000, with only \$36,000,000 a year net profit, without counting the \$3,000,000 of which it defrauded the government. Last year it shipped abroad products valued at \$4,000,000 to compete with those very foreign industries from which it was protected in its home markets. Surely a case deserving charity. Is such protection justified?

Look at the International Harvester Company, with a capitalization of \$130,000,000 and with an annual net profit of \$5,000,000 and which last year cut a stock melon of \$20,000,000. Who thinks that this monopoly is in danger of foreign competition? Our protected meat industry exports to the amount of \$170,000,000, and yet it is classed as one of our infant industries and hence

given protection. Our protected tobacco industry ships \$35,000,000 worth of products abroad every year, showing its ability to stand alone. In 1905, \$8,000,000 worth of American boots and shoes walked across to foreign markets, and yet protection insists upon keeping a tariff upon American boots and shoes.

Our protected cotton industry, which, at home, is protected from foreign competition by a tariff, in 1905, shipped \$50,000,000 worth of their products abroad, and after paying the cost of the transportation successfully competed with foreigners. Should not these tariffs be removed?

The exports of our manufactured articles were valued in 1904 at \$330,000,000. Of this sum, three-quarters represented the exports of the three protected industries, cotton, steel and tobacco.

Does it not follow, Honorable Judges, that these industries are no longer in danger of foreign competition, and hence no longer need the protective tariff? In fact, the attitude of the manufacturer was well expressed by Claus Spreckles, the San Francisco sugar king, when he said, "We don't need the tariff, but we will take it if we can get it."

All this merely goes to show that the protective tariff has accomplished its purpose, that many of our infant industries have outgrown infancy, that they no longer need the protective tariff. At Washington's time one per cent of our people were engaged in manufacturing; now 24 per cent follow manufacturing pursuits. Does not this show that the original purpose of the protective

tariff—the establishment of our infant industries, has been accomplished? The value of the finished product of manufacturing tops that of agriculture by millions of dollars. Do we still need this high tariff to help us over this period of purely agricultural life to that of a diversified industry? Does it not prove that conditions are now ripe for us to alter our policy of high protection to that of gradual abandonment?

Our second speaker will continue our argument to show that we should begin to abandon the protective tariff because many of our industries have shown by underselling foreigners in their own markets that they have reached the estate of manhood.

The negative must show us that our manufacturing interests cannot live without the protection of the present protective duties.

SECOND AFFIRMATIVE, RAYMOND T. BYE, SWARTHMORE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: We have shown you that the great basic industries of our country are now firmly and profitably established. It shall be our purpose to show further that these industries are now successfully competing in the markets of the world and selling their goods to foreigners at prices far below those which they charge at home. We, of the affirmative, maintain that when an industry is thus able to undersell its competitors abroad, that industry no longer needs a protective tariff, and to give it a high tariff under such conditions is to offer it a direct inducement to combine and raise prices at home.

My colleague has told you of the size of the United States Steel Corporation, the most stupendous business organization that the world has ever known. It was shown that this monopoly has been for some time exporting its products to the extent of nearly \$200,000,000, and it was conclusively proved in the recent tariff hearings before the Committee on Ways and Means that these goods were sold at prices from 25 per cent. to 65 per cent lower than are charged by the same trust for the same goods in the United States.

Mr. H. E. Miles, President of the American Association of Manufacturers, testified to this Committee that one great buyer of steel moved most of his business over into Canada because he found that American steel cost him less in the Dominion than in Pittsburg, where it was made. We would ask the gentlemen of the negative, does such an industry need protection? And we would further ask, why are these prices cheaper in Canada and Europe than here? We will tell you. It is because abroad this trust must meet and undersell foreign competitors, but at home these competitors are barred out by the tariff, so the trust charges what prices it desires. That it takes advantage of the opportunity afforded by the tariff is shown by the statement of Andrew Carnegie, king of steel, that the steel trust makes a profit of fifteen and a half dollars per ton from steel rails alone. Yet, in spite of these facts, there is a prohibitory tariff on steel and iron today. Here, then, is a duty that should at least be reduced.

An interesting case came up not long ago in connec-

tion with the jewelry trade. An independent watch company of Illinois was purchasing American trust made watches in England at so low a price that it was enabled to ship them back to America and, after paying the transportation charges, still sell them at a lower price than that at which they were sold by the trust in the American market.

Many other American goods are sold in foreign markets at correspondingly low rates. Tin plate, for example, which here cost \$3.70 a box, in Europe is a dollar less; white lead sold here at 5 cents a pound, in Europe costs only $3\frac{1}{2}$ cents; American shoes cost one-third less abroad than here, and so on throughout a host of articles. These statistics are given by James J. Parsons, Secretary of the Tariff Reform Committee, and other authorities. We repeat what the Outlook said in commenting on these prices, "Any industry that regularly sells its products abroad for lower than domestic prices shows that it no longer needs protection."

All these articles are largely trust made, and we argue that if these trusts can sell them cheaply abroad they can do so here. But our present high tariff is directly fostering these monopolies and enabling them to maintain high prices by securing them from foreign competition. Even protectionists do not attempt to deny this fact, for President Taft, although a strong advocate, has said: "The high tariff affords a screen to large corporations under which they can add the face value of the duty to the just price of the manufactured article." And many other protectionists have said the same thing.

Mr. Pierce in his book on "The Tariff and the Trusts" and Mr. Miles in his testimony before the Ways and Means Committee, both have shown in careful detail that besides the monopolies we have mentioned, many others are being fostered by our tariff. There is the corrupt sugar combine, whose late President, Mr. Havemeyer, once said of trusts, "the tariff is the mother of them all." There is, too, the rubber trust, the lead trust, the linseed-oil trust, the glass trust, the meat, the brass, the pipe, the match, the steam pump, the chemical, the can, the cement and other monopolies—in short, trusts in everything from buttons to locomotives.

As Mr. Miles, although a protectionist, has said, "You have given these trusts 5, 10, 15 times what they could justify." And again he said, "Every woman who has bought a new stove-lid in the last twelve years, every farmer who has bought a plow, every boy who bought a jack-knife has made an unnecessary and forced contribution by order of Congress to the steel trust and likewise to every other industrial trust in the United States."

Now we do not say that a reduction of duty in such cases as these will do away with trusts, but we do say that it will prevent their excessive prices by admitting foreign competition. Such has been the case in England, where, according to Prof. Jenks of Cornell University there are, under a low tariff, only 55 small trusts, and these are practically harmless because they are open to healthy foreign competition.

In America under high protection, Pierce says there

are over 400. For these reasons we argue that a lowering of the duties on all such manufactures would go far to stop the trust evil.

There is another danger threatening this country to-day which a reduction of the tariff will help to remove. At the present time our forests are being cut down at an enormous rate to supply the demand for timber and for paper. So serious has the situation become that eminent foresters have figured that in less than half a century our timber stock will have been destroyed. James J. Hill, the great railroad man, has said—"Our supply of pulp timber for white paper is rapidly being exhausted; Canadian forests can supply us for years to come." There is the solution of the trouble; the drain on our supply can be lessened by drawing on Canada's 200 to 500 million acres of timber land. But the present tariff on lumber makes importation from our neighboring country impossible. Remove that tariff and the lumber can be brought in. These facts were repeatedly pointed out to the Ways and Means Committee by a large majority of the timber and forest experts who recently testified before it. A committee appointed by Congress to investigate this matter also reported in favor of free timber, but the measure was defeated by political "log-rolling." We should follow the advice of these experts and lower our tariff on lumber.

Now, ladies and gentlemen, we are proposing a substantial step toward the gradual abandonment of the protective tariff. Lower the duties in these cases and the evils of monopoly and forest devastation will at least partly pass away.

THIRD AFFIRMATIVE, W. RUSSELL GREEN, SWARTHMORE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleagues have endeavored to prove to you two things:

First—by statements of many eminent protectionists and by actual figures, that our high tariff has fulfilled its full purpose of upbuilding our infant industries, and *second*—that the continuation of our present excessive rates will increase and aggravate our trust evils and further deplete our natural resources.

Continuing the argument I shall try to prove that if these high rates be kept up they will be harmful to three of the greatest classes in the United States—the manufacturers, the laborers, and the farmers.

Edward Atkinson, the noted statistician, says that only one-eighth of the manufacturers in America today are benefited by our high protective tariff; seven-eighths, a great majority, are actually injured to aid this small minority.

According to Mr. Mills, the Chairman of the National Manufacturers' Tariff Association, 65 per cent of 224 leading manufacturers in this country want a reduction of from 5 to 100 per cent, while only three want an increase.

Why will the majority of the American manufacturers be harmed if our present rates are continued? One reason is because they impose excessive duties on raw material. Because of the high rates on sugar, the Heinze Company of Pittsburg have had to establish factories in

England. The General Electric Company, the American Locomotive Company, The Singer Machine Company, and numerous others have all built large factories abroad where they can get free raw material. All protectionists admit that this tariff is theoretically wrong, and the testimony of many of our largest manufacturers before The Ways and Means Committee proves that it is practically so, but because of the "log-rolling" in Congress, it still remains in our schedules. Germany has a protective tariff, but she is wise enough to provide for the free entry of the raw material of her manufacturers.

Another injury growing out of our excessive tariff rates is the boycotting of our commerce with foreign countries.

At present Switzerland, France, Norway, Portugal, Austria and Belgium give us their maximum rates. Our production is increasing, and our markets must keep pace with our production. American manufactured exports are scarcely to be compared with those of European countries. England, France and Germany export many times what we do to South America, our natural market. As for the East, James J. Hill says: "We have no Oriental trade at present worth snapping a finger at. Our competitors even beat us badly in the Philippines where we control the tariffs and where we supply only 7 per cent of its competitive imports." Our great need now is a foreign market. The lamented McKinley (who was called "The High Priest of Protection") realized this when, in his last public speech, he said: "The problem of more markets requires our urgent, immediate at-

tention. We must not repose in the fancied security that we can forever sell everything and buy little or nothing." And President Taft realizes this need; hence, his Reciprocity Treaty with Canada.

Honorable Judges, our present excessive rates are injuring the majority of American manufacturers by keeping out their raw material and by keeping in their finished products.

Our high protection has also an evil effect on our laboring men. Edward Atkinson in his book, "Facts and Figures," shows that only one and one-half out of thirty million laborers in this country work for protected industries. And what do these men who work for the protected industries get from our high protection? Surely not better wages, for although wages have gone up 22 per cent in the last 10 years, the cost of living has gone up 47 per cent. U. S. Commissioner Neill shows that the average wage of steel workers is \$7.00 per week. As Byron W. Holt says: "Prices go up the elevator while wages climb the stairs."

Now what about this twenty-eight and one-half millions, this enormous majority which does not work for protected industries? How are they benefited by our exorbitant protection?

It is obvious that the poorer a man is the fewer luxuries and more necessities of life he buys. W. A. Clark, a government expert, says that sugar is increased two cents a pound by the tariff; that is, with our high protection 10 pounds costs fifty cents where it should cost but 30 cents. And the same with all the other necessi-

ties which a man must have in order to live. What do our high rates do for our laborer? They raise the price and decrease the quality of the food he eats, the clothing he wears, the fuel that warms him.

Although all of his present high price of living is not due to the tariff, it is an important factor, and if it be reduced the other must follow.

Gentlemen, our excessive protection is harmful to the great masses of American laborers, and as Pierce says, is of doubtful benefit to those working for the protected industries themselves.

One of the greatest classes to be aided by a tariff reduction is the agricultural class, whose product this year amounted to over \$7,000,000,000 more than that of all the other industries combined.

Mr. Miles, Chairman of the National Manufacturers' Committee, who owns and operates a large agricultural implement factory, and who is a protectionist, testified before the Ways and Means Committee: "If you will reduce the steel schedule, you will enable the makers of agricultural implements to sell their machinery to the farmers of this country at a reduction of at least 20 per cent." This is about the difference between Canada and the United States, and J. J. Hill, the railroad king of the Northwest says: "To say that the difference in prices in Canada and in the United States is not due to protection, is as absurd as to say that the flood in Paris was not caused by the rise of the River Seine."

It is acknowledged by all economists that a protective duty is of no value to an exporting industry, and al-

though the American farmer produces the most wheat and corn in the world, we have had a duty of 25 cents on wheat and 15 cents a bushel on corn. And what good does it do us? We never got a penny from it because these prices are fixed in world markets.

We have a high duty on pork; gentlemen of the negative, do you honestly think that the American hog needs protection from the foreign hog when our hogs have been rooting their way around the earth for the last twenty years?

The only way our excessive duties affect the farmer is to raise the prices of the necessities of life which he must buy.

Honorable Judges, the affirmative have endeavored to prove:

First—that our basic industries (controlled by the wealthiest and most powerful trusts in the world) have developed to such an extent that their conditions demand the gradual abandonment of the protective tariff on their production.

Second—that the continuation of our protection will increase the aggravation of our trust evils and the depletion of our natural resources; and if these excessive rates are continued they will greatly harm the three greatest classes in this country, our manufacturers, our laborers and our farmers.

I ask you, gentlemen, is it ever justice to injure a great majority to benefit a small minority?

The conditions now demand this step, this gradual reduction on some of our productions. After a while they

will demand another. When other industries have developed as our own leading industries have now developed, then our legislation can be shaped toward the gradual abandonment of the protective tariff on their goods. And if in the distant and remote future there should be a small number of industries, an irreducible minimum that could not flourish without the protection, then we would take off their tariff and invest their capital in more profitable business, because economists are agreed that, maintained by the tariff, they always would be a drain on our nation.

SWARTHMORE vs. PENNSYLVANIA STATE.

FIRST NEGATIVE, A. ROY OGDEN, SWARTHMORE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: Now it is my duty, as the first speaker on the negative, to discuss three points: first, what true protection is; second, the wonderful prosperity of this country under protection; and third, the reverses under free trade after it has taken the place of a protective tariff.

Now let us take up my first point and look with clear eye and head at our great American system, the protective tariff. Why was this policy instituted? Back in 1787 we hear Ben Franklin saying: "It was expected of Congress, in regulating commerce, to protect the manufactures of the North." Protection began with our country. Alexander Hamilton established the system on the true principle of providing such duties on imports as equalled the difference between the cost of production

at home and abroad. From Hamilton to Roosevelt and Taft every advocate of true protection contended that a tariff so levied would establish and maintain American industries. Daniel Webster, as great a statesman as this country ever produced, stood for protection on its true principles. Said he, "My object is to obtain upon just principles in the best way I can, and when I can, and as I can, full and adequate and thorough protection to the domestic industries of this country." John Sherman, the great protectionist, said that "the primary object of the protective tariff is to secure the fullest competition by individuals and corporations in domestic production." James J. Blaine says in his "Twenty Years in Congress," that protection in the perfection of its design is based on the principle that competition at home will always prevent monopoly on the part of the capitalists, assure good wages to the laboring man, and defend the consumers against the evils of extortion." William McKinley, the high-priest of protection, said in answer to the charge that the true protective tariff fosters monopolies, "that monopolies cannot long exist under unrestricted home competition." And finally, John Stuart Mill, the great English free-trader said "that as a country's advantage in manufacturing may arise solely from an earlier start, another country may sometimes get industries most easily by means of temporary protection." And this from a free-trader! In fine, what do these great advocates of protection stand for? They stand for a scientific protective tariff; a tariff that covers the difference in cost of production here and abroad; less than that is unjust

to American laborers; more than that is unjust to American consumers. Such a protection is the settled policy of this country. That brings me to my second point, the wonderful prosperity of our country under protection. Under this policy there has been an enormous industrial expansion and prosperity. Let us be specific and look at a few figures bearing on our great prosperity. It is no mere coincidence that the unheard of prosperity of our country and protection have gone hand in hand. Since 1820, a period of ninety years, twenty-six million immigrants, a number almost equal to three-fourths of the present population of England, have come to our shores. Why have they come? Are they fools? No, they understand that in America a fair wage is offered for a fair endeavor. - They have had their eyes open to the wonderful prosperity of the United States. Let us look at a few of the figures that spell prosperity. As a basis of comparison let us take a period of forty years, comparing 1860 with 1900. The number of wage earners in American mills increased four times, the wages paid in American mills increased seven and a half times, the number of depositors in savings banks increased ten times, the amount of deposits in savings banks increased sixteen times. What do these figures mean? They mean that no other country is able or ever will be able to make such an exhibit of prosperity. During this same forty years, population increased from 31 to 80 millions or $2\frac{3}{4}$ times; savings banks' deposits increased from 150 millions to $3\frac{1}{2}$ billions, or 24 times. The savings bank holds the workingman's surplus. Their deposits repre-

sent the prosperity of the daily toiler who makes up the backbone of this nation. Is it any wonder that people are fleeing to America at the rate of a million a year? Again, in 1880, the value of the products of our factories was $5\frac{1}{2}$ billion dollars. In 1907 it was 15 billions. I could go on ad infinitum quoting figures showing the wonderful prosperity of our country under the tariff system. But understand we do not say that this prosperity was caused solely by the tariff, but the tariff certainly has been an important contributory factor. We do know that no nation on the face of the globe ever built up a great manufacturing industry without a protective tariff. We do know that we have become the most prosperous, independent, progressive nation on the face of the earth. Now should a tariff policy under which we have prospered, as I have shown, be lightly abandoned simply because a few of its principles have been misapplied as the affirmative maintain and we frankly admit? If sand gets into the gear box we don't intend to demolish the gear box but, instead, to take out the sand.

Now I am at my third point, the reverses that have taken place under free trade in the United States and in England when it has adopted the policy of protection. The only way to see whether free trade is better than protection is not to give a theoretical explanation of free trade based upon Henry George, but to see how each has worked. Begin with our own country. Seven years after the tariff of 1816 we hear Henry Clay saying: "It is painful for me to dwell upon the picture of this dis-

tress." Benton said at the same time: "Distress, the universal cry of the people; relief, the universal demand, thundered at the doors of all legislatures, state and federal." "Relief" came through the enactment of the protective tariff of 1824. The panics of 1852 and '57 were caused by the tariff of '46. Though ameliorated by railroad and factory building, the California gold output and exceptional foreign demands for our crude products, the crash finally came. In 1895, under the Wilson tariff-for-revenue-only, our imports increased, as compared with the last year under the McKinley tariff when prosperity reigned, by almost 150 millions, and our exports decreased about 70 millions, making an adverse balance of trade of about 215 millions. Take England—a few years ago John Bright said that after 38 years of free trade owners and occupiers of land have lost more than \$150,000,000. Farm tenants are emigrating wholesale to protectionist America. After the introduction of free trade agriculture gradually decayed, and in 1885 millions of acres had gone out of tillage. When it was heard that a leading iron firm had imported Alabama pig iron, one of England's foremost trade magazines said, "England is threatened with an invasion of American pig iron. This is one of the most serious blows to the supremacy of Great Britain as a manufacturing nation." A few years ago England's last sugar refinery was closed by Germany's competition. From 1880-1895 production of pig iron did not advance. The output of manufactured iron declined from 2½ million tons to less than 1½ millions. These figures show the practical workability of free trade.

Now let me summarize. First of all the affirmative have a heavy burden of proof upon them. Then I have shown: first, that true protection is protection that covers the difference in cost of production here and abroad; second, the great prosperity of our country under protection; and third, the reverses that have taken place in England and the United States when free trade has taken the place of protection.

We of the negative stand for a scientific protective tariff. This scientific tariff embracing reciprocity and the tariff commission, provisions which my colleagues will further discuss, is a success in every modern country in the world. Germany, France, Italy, Japan, Austria, all have scientific tariffs. And what strides Germany has taken under it! Steadily forging ahead of England as a commercial nation, she has made the world sit up and take notice. England is the only modern country without the protective policy. But remember that even she grew to her commercial greatness through protection, and that today in England there is a steadily growing sentiment for the restoration of the protective policy.

The second speaker on the negative will show: first, that protection is not responsible for the high cost of living; second, that protective tariff is the best means for raising the required revenue; third, that protection is necessary to preserve the standard of the American workingman; and fourth, that some of our industries do need protection.

SECOND NEGATIVE, J. AUGUSTUS CADWALLADER, SWARTH-
MORE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: We urge the immediate reduction of duties on wool, steel, and other products where such duties are no longer needed for protection. In other words, we favor honest revision of the tariff, preserving the principle of protection to maintain the standard of the American workmen, instead of the drastic proposal of the affirmative to strike down the great bulwark under which we have prospered. By honest revision we mean to maintain a tariff sufficient to cover the difference in the cost of home production and production abroad; if the tariff is higher than this, it is robbery; if it is lower, it means industrial suicide.

We are told that protection causes high prices. We admit that it causes a slight rise, for this is the very object of protection—to raise the prices of foreign, pauper-made articles so as to enable American producers to compete with them. But as a matter of common sense, how can a 2 per cent rise in our tariff account for the 25 and 50 per cent rise in the cost of living within the past few years? And on top of this we have the statement of Mr. Taussig, the eminent free-trader, who says, "Lowering the tariff duties would not lower the present high prices." That the tariff is not responsible for the exorbitant prices of necessities is proved by the fact that the cold storage trusts were recently compelled to unload their stock of pickled eggs by the unprece-

dented activity of the American hen. Prices of all cold storage wares took a tumble. Let the government get busy under the Sherman Anti-Trust Law and the chief cause of high prices will be abolished. The duties on woolens, beef, raw rubber, hides, coffee, have been lowered or removed and the prices have advanced. This advance in prices is world wide; it has affected free trade England as well as other nations. We must therefore look elsewhere for the cause. The investigating committee appointed by Congress last winter reported high prices due to cold storage warehouses; very materially to the 66 per cent increase in circulation per capita, which means cheap dollars; the abandonment of farms; and to the extravagance of the people themselves. We contend, therefore, that while honest scientific protection will raise prices to such a degree as to enable our producers to compete with the pauper-made goods of foreign nations, it cannot be held accountable for the great advance in prices of necessities, most of which are on the free list.

The government needs revenue. If this revenue must be produced by a tariff, why not levy a tariff on such articles as will be least needed by the laborers, a tariff that will at the same time stimulate and diversify industry? The protective tariff produces nearly half a billion dollars yearly. If we abandon this source of revenue, how will this sum be made up? The affirmative will probably reply with that clever paradox propounded by class-room economists: "If a protective tariff protects, it produces no revenue; if it produces revenue, it cannot

protect." Here is where free trade collides with hard facts. It is true a prohibitive tariff cannot produce revenue, for obviously we cannot derive any revenue from goods not imported. The free trade theorist simply confounds a prohibitive tariff, which we denounce, with a scientific protective tariff which we favor. By reasonable protection our producers are enabled to compete in the home market with goods produced by pauper labor. We do not favor a tariff that will keep out foreign goods. We say, fix the duties at a point that will enable the foreign goods to come into the country, pay the duty, and compete with the home-made goods. By permitting foreign competition on this basis we shall to a large degree check the growth of monopolies in this country and accomplish the dual object of protection, that of raising revenue, and of enabling our producers to compete with foreigners.

We contend that protection is necessary to maintain the high standard of living of American workingmen. Take a glance at the condition of pauper labor of Europe. In free trade England the number of able-bodied paupers has in the last 35 years increased 70 per cent, and in London alone, 175 per cent. One man out of every 30, there, is a pauper. There is no need to harrow you with a description of the life of the pauper laborer of Europe—his twelve to fourteen hour working day, his mean surroundings, his coarse, scanty diet, his narrow social opportunities. The problem before America is, how can we preserve the standard of living of American workmen, threatened by the pauper labor of Europe

and Asia? Protection has thus far successfully coped with the problem. Shall we now abandon this principle, endorsed by the leading publicists and statesmen of the age, without the clearest proof that its abandonment would not cause a lowering of our standard of living? Protection has helped to create this high standard; all experience has shown that protection is necessary to maintain it.

It is idle to maintain that our superior industrial mechanism will enable us to compete with the pauper labor of Europe. European and Asiatic nations are adopting American machinery and methods of production, and their cheaper labor gives them a tremendous advantage. During the last two years we exported to Japan alone \$263,000,000 worth of machinery. What does this mean with her laborers earning 15c to 20c a day? How can we compete with her? It is idle to say that an American workman earning \$2 to \$3 per day can produce as much as 15 or 20 Japanese. The burden is heavy on the affirmative to show how we are able to maintain the high standard of American living conditions under free trade.

Let us now consider our industries. They may be divided into two classes: those protected by natural barriers, and those which could not compete with the pauper labor of Europe without protection by the tariff. We must protect the manufacturers because upon their prosperity depends the prosperity of the country; and because protection is necessary to encourage dependent home industries and place them on an equal basis with the other geographically protected industries.

The banker does not fear competition because the foreigner must be here to transact the business. The merchant is absolutely protected; our American newspaper is secure; our building trade is absolutely protected because our labor is demanded here and the cheap labor of the continent cannot compete. With our manufactured goods the conditions are different. Labor is an important element in the cost; the value of manufactures is high and cost of transportation small; consequently, the American-made goods under high wages must be protected or must perish from competition.

Look at the textile industry: its yearly output is valued at \$800,000,000. Twenty-five per cent of this sum goes for wages; our wage is 60 per cent higher than the English wage; in England on the value of the finished product there is a saving of 9 per cent in wages alone, not to count cheaper machinery and cheaper factories in which the goods are made. How could this industry here compete without protection? The pottery industry could not exist without a 30 per cent tariff. What would Trenton do if this protection were removed? In the garment industry, the English and German wage is $\frac{1}{4}$ the American wage. In the glove industry Germany can produce the same glove as we can for one-half the money. In the silk industry our wages vary from twice as great as in France, to twenty times as great, as in China, the greatest producer. Our chemical industry has not been allowed to start because of the fearful competition of Germany. To squeeze out an American manufacturer of phenaceine, of which a large quantity

is used in this country, the German monopoly reduced its price from \$12 to 85c per pound. Clearly the chemical industry needs protection, especially in coal tar dyes. How could our manufacturers of woolen, cotton, silk, yarn, a thousand other manufacturers live without protection? Do the gentlemen advocate the closing of all American mills? What will the millions of laborers employed in them do? We must have sufficient protection to cover the difference in cost of production here and abroad, or our people will be starved, our industries paralyzed.

THIRD NEGATIVE, RAYMOND K. DENWORTH, SWARTHMORE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: I. A tariff commission should be established to eliminate the evils that have grown up with the protective tariff.

Without a knowledge of the subject no legislation of any kind can be wisely framed. All the tariff legislation of the past has been marked by a lamentable ignorance of the facts upon which a protective tariff should be based.

The committees having in charge the drafting of tariff bills have been incompetent to deal with this intricate economic policy. The members lack the necessary training, they have important duties as members of other committees, and the time in which the work must be done prevents even an attempt at a thorough investigation. The machinery for handling the problem has been grossly inadequate.

Yet, carelessly as these tariffs have been drawn, protection, as my colleagues have shown, has been a powerful factor in the marked development of our country.

Secure in the darkness that has surrounded the making of the tariff, subversive interests have been able to use it for the furtherance of their own selfish ends. A study of the successive periods of tariff legislation shows each to have been characterized by a criminal lack of knowledge and the veiled hand of the despoiler. Since the Civil War, our tariffs have been put together by "log-rolling," by trades, by deals, by combinations. Such conditions demand the establishment of a permanent commission of experts to get at the truth of the tariff question.

II. Hand in hand with the policy of scientific protection should go that equally beneficial one, reciprocity.

Reciprocity is the policy of making concessions to other countries in return for value received through the granting of privileges by them. In lowering duties through reciprocity we propose to maintain such rates as the facts adduced by the Commission show to be still necessary for the protection of our interests.

As our opponents have shown, many of our industries have become self-sustaining through the instrumentality of the protective tariff. They are producing more than is needed for home consumption. Foreign consumers are necessary to provide a larger market and thus insure steady production. The larger the market, the steadier the demand, the fewer and less violent will be fluctuations in prices. The manufacturer, then, who

can rely upon his foreign market will be less affected by upheavals in our own financial conditions. He will be able to continue producing and affording employment for his men at a time when manufacturers dependent on our market alone are forced to aggravate the panic by closing their establishments.

In our modern society with its interdependence of industries the benefit of the large market as of the protective tariff, is felt not only in the industries directly affected, but its imprint is seen also in every factory, farm, and fireside. Steady employment begets steady purchasing power; that is, demand for other goods, and the resulting continued production of those goods in turn spells steady employment. It is time to court the foreign buyer in his own market through reciprocity concessions. The protective tariff places us in a strategic position to carry on these reciprocity negotiations. Unless we have something to offer it is hopeless to ask for concessions from the tariff protected nations abroad.

Therefore, the policy of the protective tariff should be retained to enable us to take advantage of the opportunities offered by reciprocity.

If our opponents are willing to adopt a policy shaped toward the gradual abandonment of the protective tariff, they must justify the end in view—free trade.

III. The history of free trade abroad makes hazardous its adoption here.

Germany has been an economic laboratory in which both the policies of free trade and of protection coupled with reciprocity have been tried with well defined results.

Dr. Percy Ashley, lecturer of Political Science at the Univeristy of London, in his "Modern Tariff History" shows the baneful effects of free trade in Germany. The Empire in 1873 completed the general policy of abandonment of the protective tariff. This cessation of the protective duties was followed by an immediate and sharp reaction. Prices fell, and there was a general depression. Manufacturers of chemicals, sugar, linen, leather, and especially those of iron and textiles, who were hard pressed by English competition, pleaded for a protective tariff. The agriculturists joined forces. The trial of free trade had given rise to nothing but disaster and a unanimous demand for its abandonment.

Bismarck in justifying the adoption of the protective tariff and reciprocity treaties which followed in 1879, said: "As long as most of the countries with which our trade is carried on surround themselves with customs barriers, which there is still a growing tendency to multiply, it does not seem to me justifiable or to the economic interest of the nation that we should allow ourselves to be restricted." Fortunately for Germany, his counsel prevailed.

The iron and steel industries are not the only industries that immediately registered an expansion after the adoption of the protective tariff, but they are important because they form a substantial basis for the growth of many other industries. From 1872-79, the last seven years under free trade, the production of iron increased but 15 per cent, while from 1879-86, the first seven years under protection, it increased 59 per cent or nearly four times as much,

A comparison of industry in 1900 under protection with that in 1879 under free trade conditions impresses the lesson taught by free trade. The amount of woolen yarn consumed in 1900 shows an increase over 1879 of 136 per cent, in the production of cotton goods an increase of 126 per cent is recorded, and in the production of pig-iron an increase of 183 per cent. This, Honorable Judges, is an increase out of all proportion to the increase of population.

The increase in the number of employees in 1900 compared with 1879 in the chemical industry was 61 per cent; in concerns manufacturing machinery, 64 per cent. These increases are typical. Do not these statistics clearly show that Germany's progress under protection far surpassed her development under free trade?

If these comparisons are not conclusive, contrast the development of England under free trade with that of Germany under protection during the same period. As in the case of Germany, the industrial strength of England is based on her iron and steel manufactures. Again contrasting 1900 with 1879, the production of iron and steel in England under free trade shows an increase of 15 per cent, while in protected Germany it increased 267 per cent.

In like manner the increase in value of exports in 1900 over value of exports in 1879 gives for England, 11 per cent; for Germany 46 per cent; the consumption of raw cotton shows England's increase 24 per cent, while Germany's was 152 per cent. Worthy opponents, in the face of these facts, how can you sincerely advocate free trade for America?

Honorable Judges, we have seen that England even after she had, by protection, unquestionably established her industrial supremacy, has, under free trade, been eclipsed by protected Germany. Worthy opponents, America, as my colleague has shown, still needs protection in many industries. How then could she withstand the strain to which the foreign countries with their cheaper labor would subject her were our protective tariff to be abandoned?

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THE ADMISSION OF RAW MATERIAL FREE

BAYLOR UNIVERSITY vs. WM. JEWELL COLLEGE.

On April 13, 1911, Baylor University of Waco, Texas, and Wm. Jewell College, Liberty, Missouri, met at Waco, in debate on the tariff, or as limited—on the admission of raw material free. Each school was represented by two men, a custom noted in the Minimum Wage debate. The victory went to Wm. Jewell.

The question as stated follows:

Resolved, That raw material should be admitted to the United States free of duty.

The speeches used here were contributed by Profs. J. F. B. Beckwith, of Baylor, and Elmer C. Griffith, Wm. Jewell, in behalf of the debaters.

THE ADMISSION OF RAW MATERIAL FREE

*BAYLOR UNIVERSITY vs. WM. JEWELL
COLLEGE.*

FIRST AFFIRMATIVE, L. W. STURDIVANT, BAYLOR.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The question of whether raw material should be admitted to the United States free, or impeded by heavy tax is a question of national importance. It marks the line that divides our people into two great parties. Though apparently old, the question seems especially new and appropriate in consideration of the importance attached to it by our present statesmen. That you may have a clear conception of our point of view, I deem it necessary in the outset to define for you what we mean in this debate by raw material. I realize the difficulty, that what is considered raw material for one class of workmen is the finished product of another, but I will attempt a definition broad enough and yet concise enough that both sides will readily agree to it, and in so doing I quote the language of the learned Mr. D. A. Wells, who defines "raw material, considered from the standpoint of law, economics and commerce, as the state or condition in which any product first enters into trade or commerce." Again, Mr. Payne, Chairman of the Ways

and Means Committee, says the following articles and those of similar nature are considered raw material; namely, timber, iron ore, coal, wood and hides. Since these named are the most important, it is to their discussion we now invite your attention. Neither in the interest of organized capital nor party legislation do we speak but in the interest and welfare of our people. With such a purpose in mind, our sole intention is to prove to you the expediency, justice, and decided advantage of the principle of free raw material, and at the same time point out the fallacies of the so-called principle of protection.

I. The unsolved problem with America is the conservation of natural resources. That the free importation of raw material is the solution of the problem, we propose to prove. The great sovereign duty of any government is to conserve the interests of its people. The time has come in America when the people's interests demand a change in our tariff schedule. Our natural resources are being consumed with such rapidity that our government has begun to cast about for methods of restoration; but they were created by nature, and not by man, and the law that governed their creation, must of necessity govern their re-creation. They represent actual necessities for which the world offers no substitute. Since we can neither create nor substitute, we must conserve. According to the last report of Mr. Pinchot, the maximum time limit of our coal supply is 100 years, of our iron ore 75 years, and of our timber 50 years. Destruction of these three means the death of American industry and one-half of our laborers robbed of employment. The

protective tariff has been employed for this purpose, but the longer it is employed the less effective it has proved. Prolongation of this system will render us, as it did Europe, helpless before the foreigner, and bring destruction and devastation to the country. Since creation and substitution are impossible, since the protective system has proved wholly inadequate, conservation must be accomplished by free importation.

The hypothesis on which the negative based their contention is, first, that a duty on raw material would protect the home manufacturers. Second, with manufacturers protected, industry would be expanded, and the expansion of industry means a cheaper finished product. Third, home labor would be employed, in preference to foreign labor. If you will follow me, Honorable Judges, I propose to prove that, under existing conditions, their hypothesis is false and their theory invalid. Their theory did work so long as our industries were capable of expansion. Since our supply of raw material is decreasing almost to the point of exhaustion, there is no possible means of development without the free importation of like products. In the second place, since home industry cannot be developed on account of diminishing raw material, the finished product cannot be produced any cheaper unless you import raw material free. In the third place, their theory does not protect American labor. It wholly sacrifices the labor of the near future for that of the immediate present. So, from each and every principle of protection, the inevitable deduction is that no resources so certain of immediate exhaustion should be pro-

tected against free importation, and, therefore no duty should be levied on coal, iron ore, and timber.

2. The negative will tell you that the principle of free raw material discriminates against American labor in that it lowers individual wages. I propose to prove that it will increase the laborer's purchasing power and render him more efficient in dealing with organized capital. To the negative contention of lowering wages, I have two answers. First, that free raw material could not force the price of labor down, since the employer will pay no more for his labor than competition forces him to pay, and free raw material could not alter the case. Second, granting that under the protective system wages have been increased, the increase in cost of living has risen proportionately higher, and instead of the laborer's purchasing power being increased, it has actually been decreased. If wages had advanced faster than prices, then we should not question the negative argument: but the statistics given out by the National Bureau of Labor show wages to have advanced 18 per cent and prices 35 per cent: which proves that the laborer's purchasing power, instead of being increased, has actually been decreased 17 per cent. After all, Honorable Judges, the laborer's wage is determined by his purchasing power and not by real money paid. Can the negative on this score plead further for a duty on raw material. Honorable Judges, their principle is a pernicious one. Never can we have a state of normal equilibrium so long as such a principle is maintained by our government.

3. My next contention is a double one: First, that

the revenue raised by the import tax goes primarily to the trusts and not to the government. Second, that free raw material would give the consumer a cheaper finished product. The negative plead for a duty on raw material because of the revenue it raises to support the government. Suppose an American pays 30c. for an imported hide, pays the hide tax of 3c., puts this with 70c. worth of labor, making the shoe cost him in all \$1.03. The Englishman pays the same price for his hide, but pays no hide tax, puts it with 70c. worth of labor, making the shoe cost him in all \$1. The negative then would levy a duty of 10 per cent on the total English cost of the shoe. Then collecting his tribute from the consumer, the American would collect, first, the 3c. hide tax, and the 7c. protection on his labor. The government gets 3c., the manufacturer gets 7c. Relieve the hide of import duty, you reduce the price of the shoe 3c. The same revenue goes to the government, and the consumer has paid 7c. less for his shoe. What is the logic of such an illustration? Relieve the raw material of import duty, the consumer has a cheaper finished product. The cheaper the finished product, the greater its demand. Increased demand for any article produces an increased demand for labor. Increased demand for labor necessarily increases individual wages, which sustains our contention that the import duty goes primarily to the trusts, and that free raw material would give the consumer a cheaper finished product.

4. My next point is that free raw material would relieve the consumer of the unjust tax shifted to him from

the manufacturer. This I propose to prove by showing, first, that the import duty is actually shifted from the manufacturer to the consumer. Second, it logically follows that to abolish the tax means the consumer's relief. Our tariff schedule shows that wherever there is a duty on any raw material, there is a compensatory duty on the finished product. Seventy-five per cent of our raw material is in the hands of 5 per cent of our people. This condition completely annihilates competition. With competition annihilated, with control of supply, and with a compensatory duty on the finished product, manufacturers restrict the output, raise the price of the finished product and shift the burden to the innocent consumer. Should the negative deny this, I refer them to the testimony of the President of the United States Steel Corporation before the Ways and Means Committee. "The ultimate consumer," says he, "Pays the tax, and I am glad he does." What kind of a principle is this for which my opponents are pleading? Honorable Judges, it is a political device for forcing the body of citizens to pay tribute to the few. It is a pernicious maneuver, which forces the innocent consumer to put millions of dollars each year into the pockets of the trust. You ask me will free raw materials relieve the situation? I answer you, according to the statement of that immortal Bryan, it will save the consumer 65c. on every ton of coal, 75c. on every pair of shoes, \$1.25 on every cook stove, and \$2 on every suit of clothes. If 5 per cent of our people are producers, and 95 per cent consumers, I ask you, Honorable Judges, is that not relief to the consumer?

In this connection the negative will doubtless tell you that on account of cheaper labor the foreigner can produce more cheaply than the American, and that we should have an import duty to protect him. This is the argument that has won so many victories for them in the Senate. First, I admit that foreign labor is cheaper than American labor; but you will agree with me that it is just as much inferior. My second answer is, that our government has no power, expressed or implied, to guarantee any person a reasonable profit, or insure him against any reasonable loss. Its function is to guarantee each and every citizen equal rights and privileges. To depart from this is to do so at the expense of the people. The facts still remain that democratic justice, that fundamental equity between man and man can never be realized in America so long as raw material remains on the dutiable list. In the third place, I ask you who are the producers in the United States? Such corporations as the Sugar Trust, the Standard Oil Co., the United States Steel Corporation and the United Wool Growers of America. This is the class of people the import duty protects. Under the operation of such a principle they are permitted to ship their finished products abroad, pay freight and insurance, and sell them for 25 per cent less than they do at home, according to the testimony of Mr. Carnegie himself. Honorable Judges, we took these industries when they were infants and fed them on protected food and have continued to feed them until they have grown to be the fatted corporations of today, practicing extortion upon the people. Yet in their fatted condition

they are still crying for more protection. If our government stands any longer for equal rights to all and special privileges to none, then this principle of levying an import duty on raw material is unjust and should be abolished.

5. My next point is that the import duty on raw material is driving capital from America to Europe. I hold in my possession the names of fifty of our independent manufacturers who have recently established plants abroad. This they did according to the evidence of Mr. S. D. North, himself a Republican, for the express purpose of evading the import tax on raw material. He estimates that fifty million dollars of American money is being driven each year from America to Europe. I ask you, Honorable Judges, is that protection to home industry? I admit that the negative policy has protected a few industries until they grew into giant corporations and forced capital into abnormal channels: but the independent man it has driven out.

The negative will tell you that free raw material means double protection to the manufacturer: that the manufacturer will sell his goods as high as the tariff wall permits regardless of free raw materials: but such an argument is without foundation. Referring to the Payne-Aldrich bill of 1909, according to the eminent authority of Congressman Hardy of Texas, and McCumber of Washington, when the duty on hides was removed, there was likewise a reduction on leather, boots and shoes, more than equal to the amount of the duty on hides. You are aware that the price of flour varies nearly every month

while the duty on wheat remains the same. It has become a part of our common knowledge that the price of a commodity is regulated by the supply in the field of production and the demand in the field of consumption and not by a high or low tariff.

6. Again I maintain that the principle of free raw material will enable our home manufacturers to meet foreign competition and thus increase our export trade. In the majority of industries we produce more than we consume. Prosperity depends not so much on what we sell at home as what we sell abroad. In the words of our lamented president, "we cannot sell if we will not buy." We cannot buy as long as we exact this import duty, when England and Germany admit raw material free. So the very tax that restricts our imports, restricts our exports. Relieve raw material of import duty, the independent man can produce for foreign markets, millions of dollars will return to the United States and our exports will be sold in every nation on the globe.

Should the negative refer you to the history of the import duty, and cite you our prosperity under such a system, I would admit, that as a general rule, we have been prosperous, but deny that such prosperity has been due to protection. On the other hand, I maintain it has been due to our supply of raw material and our abundance of production. Since our supply is being decreased almost to exhaustion, our only hope for future prosperity lies in the importation of raw material free of duty. In the second place, I ask, Honorable Judges, that you review with me the history of panics in the United States.

The first great panic occurred in 1873 under Grant's administration and a high protective tariff. The second occurred in 1893 while the McKinley bill was in force. The third in 1907 under the Dingley act. Does this show that protection brings prosperity? No! Protection never has, nor never will work anything but hardships on the class of people who are least able to bear them. In times of money stringency the system has proved wholly unable to control the situation.

7. Our next reason for free raw material is that national reciprocity demands it. That our import duty on raw material invites retaliation from countries with whose interest it conflicts is evidenced by daily cables. England, disgusted with the duty, is shutting us out of her market. Russia has shown how quickly a demand for eight million dollars worth of American goods can be cut off. Germany is maturing a scale expressly intended to cut off American manufactures. Already our manufactures are barred from France by a maximum tariff, which we, of all important nations, are forced to pay. Our manufactures are on the shores of every land, but they are met with closed and closing doors. Our ships of commerce are messengers of peace, but under the untrammelled sway of unmitigated Dingleyism they are confined to American shores.

Now, Honorable Judges, for a brief summary of our contention. First, that free importation of raw material is the solution of the conservation problem. Second, free raw material increases the laborer's purchasing power and decreases his cost of living. Third, that an import

duty on raw material raises trust revenue instead of government revenue. Fourth, free raw material would relieve the consumer of the unjust tax shifted upon him from the manufacturer. Fifth, that an import duty is driving capital from America to Europe. Sixth, that free raw material would decrease the cost of production and enable our manufacturers to meet foreign competition. Seventh, that national reciprocity demands free raw material. At the same time, Honorable Judges, we have shown the fallacy of the negative's industry argument, their government revenue argument, their double protection to the manufacturer argument, and the fallacy of their theory of prosperity.

In conclusion, Honorable Judges, let me say that we are neither confronted with past circumstances nor past history. We are confronted by a condition. This condition demands free raw material. Too long have the people been deceived by the exposed fallacies of protection. Sound arguments, logical conclusion and bitter experience, have proved the disadvantage, inexpediency, and injustice, of such a policy. At last, the people, who in the end must rule, are demanding justice at the hands of our government. They are demanding the economic freedom and commercial liberty which only the free importation of raw material can procure. This principle defeated Grover Cleveland in '88 but elected him in '92. If our Democracy will rise with one accord and stand "pat" for this Democratic policy, it will give us a presidential victory in 1912.

SECOND AFFIRMATIVE, QUEST C. COUCH, BAYLOR.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague, in his argument, has proved to you that the principle of free raw materials as embodied in our tariff legislation is not only wise and profitable, but also beneficial as a governmental policy. It is wise, in that it is the means of securing our national safety by conserving our natural resources, profitable, in that it is the means of securing commercial supremacy by increasing our import and export trade, beneficial, as evidenced by the results in every important nation today. It is, further, the means of securing national reciprocity between the United States and other countries. And now in this argument it is our purpose to show, first, that the tax is lightest which is levied at the most advanced stage of production. Second, the principle for which we contend is the fear of protectionists and the hope of their opponents, for it is recognized by both as certain to undermine the present protective structure. Third, the consumer must pay every raw material duty because of compensatory duties, which condition is unjust and wholly unnecessary. Fourth, the placing of raw materials on the free list will steady the demand for such materials and operate to the benefit of the laborer. Thus this issue vitally affects the consumer, whose interests give rise to the greatest economic problem of the day, and on whose welfare depends the increase of national poverty or prosperity.

1. Our first argument is that the tax rests lightest on

the consumer which is imposed upon the product at the most advanced stage. The tariff is a burden, and a distribution of its burdens, and not its benefits, is considered by statesmen. My colleague has cited instances proving that taxed raw materials cause practically no increase in the revenue. Yet every added duty increases prices to the consumer. Therefore, the special interests must be those which are benefited. Whenever the tariff becomes a benefit to the few, it is at the expense of the many. We shall show you that the duty when placed at the very beginning of production, cannot do otherwise than increase the people's burden. The principal raw materials must pass through many stages of manufacture before reaching the hands of the consumer. Every stage exacts a profit both upon the original price and upon the tariff, and the pyramid of duties with taxed raw materials as its foundation, is built upon the shoulders of the masses. That this is true in practice is proved by the quotation from the last tariff: "The intention is to make the rates increase by progression from the crude products to the finished products,—which means whenever you put a duty on iron ore there must be a higher duty on pig iron, a higher duty still on steel rails, and a much higher duty on watch springs." Therefore, the consumer's burden is lightest when the duty is levied on the finished product, because it is levied only once, and because it prevents the accumulation of useless duties which are paid to monopolies and not for revenue.

II. According to Bradstreet's tables, prices have increased sixty per cent in this country since 1896. The

result of the recent elections shows that the people believe that our protective tariff is a curse to the country and a cause of the increasing cost of living. Therefore, my second contention is that the first and only logical move against protectionism is to place raw materials on the free list. To begin a tariff revision by removing duties from manufacturers is overlooking the cause for the effect, for based upon and built up from the duty on iron ore, for example, is the entire metal schedule. On the other hand, by freeing raw materials manufactured products will be reached and log rolling and local interests in tariff schedules will be abolished.

It is very commonly known that log rolling—a system of tariff barter—is being practiced. The wool growers of the United States openly refused to support the duties wanted by the woolen trust unless that trust would aid in maintaining the duty on raw wool. Likewise, in return for protection to West Virginia coal mines, Mr. Elkins traded his vote to lay an 82 per cent tax on men's clothing. In like manner the large interests very generously ask for a duty on farmer's products and thus incidentally secure his consent to higher duty on their products. According to the late Edward Atkinson, the tax on farm products is a farce because the principal products of the farm are sold abroad and are regulated, not by the tariff, but by the world markets. Such a protection to the farmer is an insult to his intelligence; for this "forgotten man" of Roger Q. Mills is at last awake to the rights of the immense majority—the consumers. He realizes that just as to every right there is a correspond-

ing duty, to every tariff there must be a balancing burden.

The only security of the masses is to be found, not in the tariff which protects them, but in the tariff that opposes the principle of protection in its every phase. Not only do free raw material men believe in this result, but Republican leaders have, in statement after statement, denounced this policy as a fatal stab into the vitals of protectionism. Senator Warren of Wyoming says: "Free raw materials will be destructive of the protective system by alienating large numbers of people who now favor the system because they think they are getting a benefit from it, for the reason that such factions as the wool and hide growers will not favor a duty on manufactured products if they are not allowed a duty on their products." It cannot be denied that it is human nature for the man from whom protection is taken to join those opposing high tariff as a principle. Whether or not they secure proportional benefits from the tariff, both raw material producers and manufacturers realize that protected interests must stand together. It is only through free raw materials that this coalition can be destroyed and protectionism broken.

The man who defends a tax on raw materials defends protection. He seeks to bar the only approach through which tariff reformers may enter the citadel of protection and destroy it. The advocates of free raw materials have no hostile feelings toward the producers; they do not discriminate unjustly against the raw material industries; they do not ask for free raw materials as an

end within itself, but only as a means, and the only means by which the iniquitous system of protection can be safely abolished. We have tried to lower our tariff, and have failed. To succeed in this battle for tariff reform the support of raw material producers must be enlisted as far as possible and the principle of protection must be fought everywhere and in whatever guise it presents itself. When democracy enlists the strength of the nation against the special interests by enacting free raw material, then, Sirs, will the time be when the American free trade era will be ushered in; then will the time come for the second and last step in tariff reform for which our party has stood and for which the multitude of consumers has pleaded during fifty long years—a tariff for revenue only.

III. The truth of this, our third argument, is alone sufficient to establish our position for free raw materials: The ultimate consumer pays every raw material duty multiplied by the number of stages through which the crude product must pass before consumption. If a duty on raw materials does increase the price of commodities to the consumer, it is wrong and unjust; if it does not, it is not even a protection to our so-called infant industries. So our opponents may hang on either horn of the dilemma they choose.

It has been argued that free raw materials is an indirect form of protection to manufacturers. "In what way?" we ask; for never has a manufacturer paid the duty on his raw materials. The men who frame the tariff laws know that the business man must fail who does not

include the entire cost of protection in the price of the articles to be sold; they, therefore, always place a duty on the product fully compensating the manufacturer for the duty which he has paid on his raw materials.

This duty on raw materials does not demand that the consumer pay merely one compensatory duty for one raw material; even that condition would be bad and wholly unnecessary. It demands, rather, that at each stage as the material approaches the highly manufactured condition, it must be compensated and protected at least to the extent of the stage immediately preceding. So long as protection is allowed to raw materials one must be consistent and give protection to manufacturers. This means accumulation of compensatory duties falling on the people. For example, when a duty of 20 per cent is levied in favor of a raw material, a like protection must be given to the manufacturer who uses that material. Can you do this by placing a duty of 20 per cent on his product? Not by any means. That duty is his compensatory duty and merely places him in the same position relatively as he was before any duty was levied on the raw material. So, in order to give him a protection equal in amount to that given the raw material producer, he must be allowed a duty of 40 per cent, plus the increase in cost of production. Since the product passes through many stages before reaching its finished condition, this process must be repeated just that many times, for the man of the third or fourth stage has all of the rights to be compensated for his raw material duties that the first

man has. Thus raw material duties have not only a compensatory, but a cumulative feature.

Every schedule in this tariff is built up on the basis of the tax placed on the raw material of that schedule; and in every case the manufactured article is given an ad valorem rate plus a duty large enough to give full compensation for the raw material duty. To show the manner in which the compensatory duty is levied, and that it is often collected from the people *under false pretenses*—all because of the original duty on raw materials—I shall read from the Payne-Aldrich Law, Section 378: "On clothes, knit fabrics, and all manufactures of every description, made wholly or in part of wool, valued at not more than 40c. per pound, the compensation per pound shall be three times the duty imposed on raw wool; valued at above 40c. and not above 70c. per pound, the compensation per pound shall be four times the duty imposed on raw wool, and in addition thereto upon all the foregoing, 50 per cent ad valorem."

The section on clothing and other wearing apparel illustrates the same principle, but the ad valorem rate is a little higher. The compensatory duty is four times the duty on the raw wool, and 60 per cent ad valorem. Thus the law assumes that four pounds of raw wool are always required to make one pound of cloth. This is not true of the class of wool now used principally in this country. Also, the law classes as wool all cloth "made wholly or in part of wool." Thus every man of you is contributing your part of millions to the woolen trust on the supposition that only wool is used. Yet, in practice, the

trust is recompensed for a raw material duty which it never paid; for untaxed cotton is mixed with wool in the clothing. In this way the raw material duty is not a burden to the manufacturer, but an actual profit.

But, on the other hand, what will be the logical results of placing raw materials on the free list? Is it not natural that the burden of taxation which was increased by the raw material duties would be decreased by the removal of those duties? Both supporters and opponents of this policy know that it means lower duties on manufactures, for it is because of the raw material duty that the compensatory duty is levied on the finished product through which prices are increased to the consumer. These duties are the cause, the source of compensatory duties; and removing the cause of an evil effect is not only a means, but it is the only means by which the evil can be cancelled.

Free raw materials mean lower tariff rates on all commodities, and so lower prices to the consumer. The negative say that prices are regulated by the tariff; that the manufacturers could sell cheaper, but they contend that he would not; that he would sell for the highest price possible—as high as the tariff would allow, regardless of free or taxed raw materials. We readily agree that he may sell as high as the tariff will allow, but we fail to find a single instance in tariff schedules, made by either party, where the price of manufactures were not decreased in proportion to the reduction of the crude products to the free list. History makes this a law. The House Bill of 1884, proposing free raw materials, pro-

vided also for a reduction of 20 per cent on all manufactures. The free wool bill passed by Congress in 1892 provided not only for free wool but for a large reduction in woolen manufactures. And in the last tariff law, reading from Schedule N, the hides of cattle were reduced from a rate of 15 per cent to the free list. In consequence of which band leather was reduced from 20 per cent to 5 per cent; boots and shoes from 25 per cent to 10 per cent, and harness from 45 per cent to 20 per cent. In each case the reduction was equal at least to the original raw material duty, and was made in consideration of its removal; for that raw material tax is the cause of the greater tax on the people, called a compensatory duty.

And yet, though it reduces prices to the consumer, the gentlemen of the negative still try to tell you that free raw materials mean double protection to the manufacturer. We shall show, on the contrary, that it is a duty on raw materials which gives to the large interests protection on both their materials and their products. Just as protection in general has bred trusts, protection on raw materials has encouraged monopoly control of their supply. Do such raw material producers as the Oil Interests, the Steel Trust, the Weyerhauser Lumber Companies, need protection? And yet they enjoy a high duty both on their crude products and their finished products. The Steel Trust, according to Mr. Schwab, controlling 85 per cent of the best iron mines of this country, and operating a perfect chain of production from the moment the ore is dug from the mine until it leaves the factory for

the consumer, offers the best example of extortion through the cumulation of compensatory duties, because of the number of stages through which the highly manufactured article has passed. This mountain of duties on the consumer has as its foundation and cause that iniquitous duty on iron ore which the Steel Trust never paid. The industries which enjoy protection in security are those which both manufacture and control their raw material supply; which condition, gentlemen, is double protection, robbery, and a dare to the American people.

IV. Our final contention is that the admission of raw material free will cause steadier employment and higher wages for the laboring classes; that it will mean a more regular demand for all crude products. We have shown you that free raw materials lower prices to the consumer, and that this increases the demand for the finished product. Following an increased demand for the finished product, there naturally comes a greater need for labor, and hence higher wages. Furthermore, the increased demand for labor implies that more raw material is being converted into the finished product. This means a steadier demand for such raw material. These statements are not based upon idle theory, but upon the workings of economic law and are in accord with the principles of Mr. Seager and other economists.

Those who oppose the affirmative side of this question say that if you take protection from the raw material industries, you will pauperize American labor engaged in them. But they overlook two important factors. First,

employers never pay higher wages than competition forces them to pay. Second, if protection regulates wages, why do they vary in this country, North and South, for the same industries? Roger Q. Mills says that with free raw materials the markets of the world will be open to us—our manufacturers will run their mills on full time, require more labor, and give more constant employment. And this, through constant demand and competition, will stimulate, promote, and reward such as the wool growers and producers of beets, flax and hemp. Those who favor the free admission of raw materials know that it means a reduction of duties; that it is fair and just to the manufacturer, that it is fair and just to the producers of raw materials, because it will greatly enlarge and steady the markets of both. They believe that it would be best for the labor employed in both the raw material and manufacturing industries, because it would give them more constant employment without any reduction in wages. They believe that it would result in no diminution of revenue. They know that the cost of living would be greatly reduced. They know that under such a just system, the four billion dollars unjustly wrung from the people annually and put into the pockets of the special interests, would remain with the people.

The tariff is a form of taxation; therefore it should be an unavoidable burden and never a benefit. We defend the policy of free raw materials in the name of the national welfare, and in the name of the interests of the people. And we maintain that any tax which increases the people's burden and places upon their tired shoulders

the share of the special interests for the support of the government, unnecessarily oppresses the many in favor of the few, and is unwise, injurious, and dispensable.

FIRST NEGATIVE, JOSEPH E. BROWN, 'II WM. JEWELL.

Mr. Chairman, Honorable Judges, Friends: Let me say to the gentlemen of the affirmative, before going further, that, when we oppose the admission of raw materials free, we are not advocating a protective duty on them. We do not wish to take your time to prove to you, that, for our national government to raise an insurmountable wall of protection about the New England manufacturer of finished products and at the same time thrust the Texas producer of raw materials out into competition with the world, is both unconstitutional and unjust in the extreme. But we rest our case on the fundamental democratic doctrine of a tariff for revenue only, and are here tonight to prove to you that, as long as revenue must be collected from imports, the importer of raw materials should bear his just proportion of the burden of government.

Against the judgment of the gentlemen from Baylor that free raw products would prove a blessing to our country, we bring the judgment of the wisest statesmen this country has produced. Against their conjecture that free raw materials would promote the material welfare and further development of our nation, we present the fact that the greatest national growth, the most wonderful national development known to all history has taken place in America under a prevailing practice of taxed raw materials. And against their contention that correct

economic principle demands the admission of raw materials free, we argue that correct principle demands the taxation of raw products as long as finished products are taxed.

We favor taxing raw materials as long as other imports are taxed, first, because it has been our prevailing practice in the past, during which time our nation has prospered far beyond the dreams of the most enthusiastic. The Republican protective policy, as I said, we shall not uphold, but shall confine ourselves to an examination of the Democratic tariff-for-revenue doctrine.

The national Democratic party has never consistently favored the admission of raw products free. The doctrine was first promulgated by the Whig party in 1842. The Democrats opposed it then under the leadership of one of the greatest Democrats that ever lived, John C. Calhoun, whose sound Democracy has never been impeached. He said in a speech against the bill, "There is not a raw material which is not admitted duty free or subject to a very light one. The bill is framed to exempt one branch of industry from all burdens and shackles, and subject the other exclusively to them." Every Democrat in Congress opposed the Whig tariff act, admitting raw materials free. And again in 1846, when the question was brought to an issue, every Democrat in the United States Senate, except three who were avowed protectionists, voted against free raw products. In this list of sturdy Democrats we find such illustrious names as John C. Calhoun of South Carolina, Thos. H. Benton of Missouri, Lewis Cass of Arkansas, Geo. McDuffie of North Carolina,

Samuel H. Houston of Texas, and his colleague, the brilliant Senator Rusk.

From that time all through the years of Democratic supremacy, the doctrine of free raw products never received any substantial support. Not until 1888 was the theory recognized by the Democratic party. In that year, the Morrison bill incorporated the doctrine but only by a bare majority of the Democrats in Congress; and so strong was the opposition to it then, that, notwithstanding Mr. Cleveland's loyal support, it could not secure the approval of the National Convention in 1888.

In 1892, the Democratic National Convention declared in favor of free raw material for the first time, but even then the leaders of the party in Congress saw the unreasonableness of the theory and supported it most feebly. Iron and coal were the only raw products on which it was even so much as proposed to relieve the duty. And a Democratic finance committee of the Senate reported a 40 per cent duty on iron ore. It is true, the motion was made to relieve the duty on iron ore, but not by a Democratic Senator, and not a single Democratic Senator supported that motion. I might say, in passing, that Richard Coke, then Senator from Texas, voted against free iron and went on record as opposed to the principle of free raw material.

In 1896, having realized its mistake in 1892, the Democratic National Convention omitted entirely from its platform the declaration in favor of free raw products. Both the delegates and the states were practically a unit against the pernicious policy. Since that time the policy of ad-

mitting all raw materials free has never been sanctioned by the Democratic party either in Convention or in Congress.

Not only has the national Democracy repeatedly denied the doctrine of free raw material; but the people of Texas have also raised their voice against the unjust policy. As I said, Samuel H. Houston and Gen. Thos. J. Rusk, perhaps the greatest names in all the long list of great Texans, opposed free raw products in 1846. Senator Richard Coke, another illustrious Texan, opposed free raw materials in 1894. And in 1896, the Democratic party of Texas, assembled in convention at Austin, embodied the following declaration in its platform: "We believe that the present tariff law which lets raw materials into this country free while it levies heavy duties on manufactured products, violates the Federal Constitution as well as the principles of the Democratic party." That platform merely reaffirmed the position of the national party when it said in its platform of 1896, "We hold that tariff duties should be levied for purposes of revenue only, such duties to be so adjusted as to operate equally throughout the country and not discriminate between class or section." The national platform omitted the clause of 1892 favoring free raw material and substituted a demand for equality in tariff rates. The state platform only more forcefully condemned free raw products.

And again in 1896, the people of Texas proclaimed themselves against the policy. Governor Culbertson, candidate for election to the United States Senate, said in his first address to the people of Texas. "The state plat-

form of 1896 expresses my views against free raw materials." Hon. Roger Q. Mills, then Senator and candidate for re-election, announced himself as favoring free raw materials. It is true, this question was not the only issue, but was, no doubt, the paramount issue. And it is sufficient to say that Senator Mills, on his free raw material platform was so utterly defeated that he withdrew from the race before it was hardly begun.

The senior Senator from Texas, Hon. Jos. W. Bailey, has been returned to the Senate at every election since 1893 and he has been eternally opposed to free raw products.

But, coming down to more recent times, when the question of free raw hides came up in Congress in 1909, both United States Senators from Texas and fifteen out of sixteen Texas representatives voted against free raw hides. And, Honorable Judges, let me ask you, if a man votes against relieving the duty on one raw material, can he justly and logically say that he favors the admission of all raw materials free? The Texas Democracy in convention declared against it when they failed to apply it to raw hides.

But we have more proof from history against this obnoxious theory: The people of the United States have consistently opposed free raw products but have favored a tax on them as long as there was a tax on other incoming goods. The Whig party carried the election of 1840 by an unprecedented majority. But that party propounded a most monstrous doctrine of protection and incorporated in the tariff bill of 1842 the doctrine of free

raw materials. The bill was a stench in the nostrils of the American people from its very inception. And in 1844 they rewarded the Democratic party, which had opposed free raw products both by the force of oratory and by its vote, with an overwhelming majority in both houses of Congress. The Whigs had turned a glorious victory into an inglorious defeat merely by advocating the doctrine of free raw materials.

In his famous message to Congress on Dec. 2, 1845, President Polk laid down the clearest definition of the Democratic tariff policy that has ever been written. That message contained no suggestion of free raw material, not even a suggestion that duties on raw materials should be low. The only articles, according to President Polk, which should be exempt were, in his own words, "Such articles of necessity as are in general use." Is raw iron, a confused mass of iron, clay and rock, in general use in Texas? Are raw hides worn by the people of this great state? Is raw wool, just as it comes from the shearer, an article of necessity? Yet, gentlemen of the affirmative, you advocate free raw iron, and a tax on the nails you use to build your homes; you advocate free raw hides, and a tax on the shoes on your feet; you advocate free raw wool, and a tax on the coats on your backs; and still claim to be ardent in the people's cause and true Democrats!

But to my former point. The Democratic tariff law, denouncing free raw products, followed Mr. Polk's message in 1846; and under that policy, the Democratic party enjoyed, till 1860, the greatest success and the greatest

favor with the people of this country that it has ever seen.

But history repeats itself. In 1892, the Democratic party not only elected a President and won a majority in the Senate, but carried the House of Representatives by the largest majority that ever before represented the Democratic party in that body. But, ignoring the sad experience of the past, that Congress, in 1894, passed the Wilson tariff bill which sought to apply the fatal doctrine of free raw materials. Only one result could follow such a rash and unpopular act. In 1896, the Democrats suffered a most crushing defeat. The Democratic President was replaced by a Republican President; the Democratic Senate became a Republican Senate, and the Democratic majority in the lower house of Congress not only disappeared but was replaced by the largest Republican majority that ever sat in the House of Representatives, not even excepting the days of the Civil War. These, Honorable Judges, are the only times when the people of this country have been able to express their views and both times they have been overwhelmingly opposed to free raw products.

But you ask why we have spent so much time in following the Democratic policy regarding raw material. We say that we believe with you, my friends, and with the people of this great state in the Democratic doctrine of a tariff for revenue only. And we are calling your attention to the stand which men of like faith have taken on this question of free raw material. We do not propose a protective duty on raw products. We believe that

our government should levy such duties on imports as will provide revenue sufficient to run it—no more, and, Honorable Judges, no less.

It has been urged that a tax on raw materials increases the price of the finished product; and hence, is finally paid by the consumer of the manufactured article. If the manufacturer charged for his product according to the cost of production, this would be true. But the Democratic party has always contended that this is not the case. The manufacturer is going to sell his article for the highest price he can get for it, regardless of its cost to him. And the tax on the finished product, not the tax on the raw material, determines the price he can get.

Some of the more honest, undaunted in the people's cause, contend that to lower the tax on the finished product, we must first relieve the manufacturer of all duty on his raw material. But we propose a more just, more democratic way of dealing, and as a famous Texas Senator said, "Instead of relieving the manufacturer of all tax on his raw material and relieving the people of only a portion of the tax on the finished product, thus leaving the manufacturer's profit as high as ever and compelling the producer of raw material to lose all that the people gain, we insist that both the manufacturer of finished products and the producer of raw materials shall be compelled to share in the reduction which we seek to make in behalf of the whole people."

Mr. Chairman, honest, but superficial thinkers have accused us of being protectionists because we advocate a revenue duty on raw materials. But, in the next breath,

they are arguing for a revenue duty on finished goods and excuse themselves from the charge they have made against us. They have said that we are traitors to the sacred principles of Democracy; but we remind them that a tariff for revenue only is surely a Democratic policy, and that is all we are contending for. They have condemned us for refusing to make a step toward reducing our enormous tariff schedules which have raised the cost of living to its present high proportions. If they will agree to lower the tax on the people's shoes, we will agree to lower the tax on the manufacturer's raw hides. But when they ask for no tax on the manufacturer's raw material and at the same time compel the merchant, the farmer, the common people of Texas to bear all the burden of government, then we cry out against their unjust policy.

My friends, I have taken you tonight through the entire history of this question. Page by page I have shown you conclusively that the Democratic party has never consistently favored the admission of raw products free—that in 1846 they opposed it; that in 1888, the Democrats in Congress favored it but the National Convention would not ratify their action; that in 1892, a declaration was made in favor of it, but the members of the party in Congress would not support it; that in 1896 the policy was repudiated by the National Convention. I have shown you that the Texas Democracy has consistently opposed the unjust policy. Nobody, Honorable Judges, can justly say that we, tonight, are recreant to the cause. If you, gentlemen of the affirmative, repudiate us for

opposing free raw materials, you are also repudiating the immortal men who led the Democratic party through the most glorious years of its history, the men who have stamped their names indelibly on the honor roll of America's great. We appeal to you, my friends, to stand by the guns and fight, as you have so often fought, for the old-fashioned Democracy. Fight for it as you would fight for your country's honor. Fight for it as you would fight for the sacredness of your homes. And, when the battle seems the fiercest, renew your courage by casting your eyes in memory back to those who have fought and died before you. They denied the pernicious doctrine of free raw materials, and well may you follow the principles of justice and liberty for which they lived and died.

SECOND NEGATIVE, FRANK M. POWELL, '12 WM. JEWELL.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has shown you that the taxing of raw materials has been the prevailing custom of the past; that this has been the policy of the national Democratic Party; that it is the view effectively supported by Texas Democracy; that this added revenue will not increase the cost to the consumer and is a tariff for revenue only, and finally, that the American people have been consistently opposed to free raw products as long as there is a tariff on the other incoming goods. But we are also opposed to free raw products, because, first, *correct economic principles* require a tax on them as long as there is a tax on other imports. Honorable Judges, this question must

necessarily be restricted to present conditions. Even those who have been the strongest advocates of free raw material, also advocate that we have this loss of revenue made up by some new form of taxation; they all suggest the income tax. But Senator Bailey proposed it, and it was defeated by Congress, and declared unconstitutional. While I believe in an income tax, yet, Honorable Judges, from an economic standpoint, the amount of revenue which could be raised from any new source must make the tariff proportionately lighter on both raw and finished goods. However, this question does not admit of any substitute. For anyone must know that should there arise a new source of revenue it would require a redistribution of all tariff duties. This is a political question, which has arisen in view of the present situation, has been discussed under present conditions, and notice, Honorable Judges, that it has made for its sole claim that it would benefit the manufacturers.

But correct economic principles require raw materials to be taxed because there is no difference between raw and finished products. No man has been or ever shall be able to furnish one sound reason for distinguishing between the raw and finished product for the purpose of taxation. Senator Bailey says, "There is no such thing in this world as a raw material ready for the use of the machinery of man, for what is one man's raw material is another man's finished product." Honorable Judges, the forests which we refer to as raw material are only so as long as they remain untouched. When the axe is applied they become finished product. The log is the finished

product of the woodman, while raw material for the man at the sawmill. He converts it into his finished product, lumber, which is again raw material to the cabinet workman.

The cane and the beet, while the finished products of the grower, are raw material for the refiner; and while sugar is the finished product of the refiner, it is raw product for the confectioner. Hides are raw material for the tanner, but the tanned hide or leather becomes raw material for the shoemaker. When wool is clipped it becomes the farmer's finished product. True, it is raw material for the weaver, out of which he finishes cloth and turns it over as raw material to the tailor. Iron ore is raw product only so long as it is uselessly lying in the bosom of the earth, but when it responds to the pick of the fearless miner, it becomes his finished product, but raw material for the smelter. He converts this finished raw product into his finished product, steel, which he hands over to the blacksmith and mechanic as their raw material; and all will admit that what is the finished product of the butcher is raw material for the kitchen.

Honorable Judges, when we attempt to classify raw and finished products for the purpose of taxation we find that there is no substantial basis in justice or in fact. But could there be raw material, *free* raw material would be discrimination.

(a) In matters of taxes. The extraordinary increase in public expenditures in the last two decades has made it necessary for a sum of money to be annually collected so large as to almost confuse the human mind. But

large as it is and confusing as it may be, it must be raised, and, should we at a single blow sweep away the millions which are annually collected from raw material taxes, the ultimate and inevitable result must be that the already increasing burden of the consumer will be made heavier by placing an extra duty upon the finished product. Under the woolen schedule the government receives annually about \$35,000,000. Of this amount those who use imported wool pay for eleven million, while the people who use imported woolen goods pay twenty-four million. Can any one rightly claim that the government remit the eleven million which it now collects from those who import and *continue* to collect the twenty-four million from those who use imported woolen goods?

Free hides is another strong cry of the free raw material advocate. The duty on hides last year yielded more than two million dollars net revenue to the government while the duty on boots and shoes yielded less than \$30,000. Free the hides from duty and you have handed over as a permanent gift to the manufacturers \$2,000,000 annually and at the same time have compelled the consumer to pay the difference. Whenever we take the duty off rough lumber, which yields to the government more than \$17,000,000, we must make that amount of revenue good in some other way, and this question as stated does not admit of a new way.

It has been argued that the Steel Trust owns the available iron ore, and by freeing that we have cut down their profit in selling ore. In the first place this is a conflict of argument, for those who advocate free raw material

make as their sole claim that it would benefit the manufacturer. But, Honorable Judges, steel trusts do not sell ore but steel products and, furthermore, government experts show that steel corporations control less than 39 per cent of the available ore. Why, then, should we turn over to the wealthy steel producer the \$10,000,000 which annually reaches our government from the duty on iron ore? If there is any basis of reason or justice why an already highly favored class should be further favored, we should be glad indeed to hear it. There are millions of people tonight who would be glad to vote for free raw material if the affirmative could produce one sound reason why one class of our citizens should be exempt from taxation while another and much larger class should be subjected to increased taxation. Honorable Judges, there never was produced a more undemocratic, un-American, nor a more unjust theory than that one which would exempt the manufacturer from the payment of a moderate duty on his raw material, while the consumer must pay a double duty for a finished product made from the same material.

No one class should enjoy a special and valuable privilege which is denied to all others. Honorable Judges, it is as much the farmer's right to exchange his raw products for finished material as it is the manufacturer's right to exchange his finished goods for raw material and both of them should pay a duty or *neither* of them should do so. No true American will ever consent to discriminate thus between the products of the farm and the products of the factory.

What reason can an advocate of free raw material give in justification of it? It has been suggested that if the tax be removed from raw material the manufacturer can produce his goods at lower cost and thereby sell them at a lower price. In the first place, Honorable Judges, justice demands that we have no right to exempt the manufacturer from his share of the taxes which are required to maintain the government even if it were guaranteed that he would sell his goods at a lower price, and moreover, the manufacturer does not regulate the price of his goods according to the cost of production but fixes it the highest possible without exposing himself to foreign competition.

During the recent war with Spain an extra tax was placed on tobacco, but in order that it might ultimately fall on the consumer, the factories were permitted to make smaller plugs, and when that tax was removed they continued to sell short weight at the same price. This is an example of how the manufacturer helps the consumer when the government helps him. Had that tax not been remitted the government could have collected scores of millions of dollars without costing the consumer one cent more.

The remission of the tax on beer has merely been a gift of millions to the brewer and no one would pretend that it cheapened the retail price.

The arguments first brought forth by the newspaper men to put wood-pulp on the free list were not directed against the idea of a reasonable revenue tax, but against the situation which high protection had brought about.

The high tariff on paper and wood-pulp had resulted in the stifling of competition here at home and the charging of monopoly prices to consumer. With a moderate revenue tax on white paper and wood-pulp there would never have been an objection according to the newspaper men themselves. The same is true about the anthracite coal demand. Boston would never have demanded that it be placed on the free list had not Pennsylvania oppressively monopolized it. Iron ore on the free list might help those who have speculatively obtained control of Cuban and other outside ore, but it would not cheapen steel and iron products.

But, Honorable Judges, this discrimination would be bad enough if it merely relieved the manufacturer of the taxes which by right he ought to pay, but since it transfers to all other classes the taxes from which he has been relieved, it doubly violates that democratic principle which forbids us to grant special privileges, because it not only confers a bounty on the manufacturer but imposes an unequal burden on the consumer. There is no fair minded man in this United States who is prejudiced against the manufacturer. We all refer with pride to his marvelous success and prosperity. But we of the negative can never accede to that pernicious doctrine to further increase his fortune by freeing him from the burden which, by right, he ought to bear in common with his fellow citizens. If principle could ever justify us in relieving any class from taxation it would be first those whose labors are most grievous and whose comforts fewest.

We shall be rejoiced to increase the free list at any time the government can dispense with the revenue. But in the extension of the free list, we of the negative would place last the manufacturer who is always crying for protection. The Ways and Means Committees of the House and the Finance Committees of the Senate, as they arrange from time to time the rates in all tariff bills, regardless of their personal opinion on the tariff question, are compelled to keep in mind the revenue necessary to run the government. And each schedule is so drafted that it will contribute a given amount of the total sum required. And, Honorable Judges, it is obviously certain that when a duty reduction is made on a particular article it must be compensated by an increase on some other article or by an increase upon all other articles of that schedule.

Since we have reversed the principle of our forefathers by now regulating our taxes by the expenditures of the government instead of regulating the expenses of the government by the collection of taxes every time we change an article from the taxed to the free list, we have merely relieved one class by increasing the burden of another.

Senator Samuel H. Piles of Washington says: "Our present revenue producing system is certainly workable because thousands of business enterprises have become adjusted to its exactions. It would be folly to forget that the principal object of revenue laws, including the whole tariff system, is to provide means by which to pay the government bills."

Honorable Judges, since all revenue and tariff laws are based on this principle how can the affirmative propose the fallacious doctrine that the manufacturer be exempt from his share in paying the government bills?

We are agreed that with free raw material the manufacturer can produce his goods more cheaply and could, if he wanted to, sell them for less. But, Honorable Judges, that same principle is equally true for any other business man under the sun. A man of any occupation has the same right to demand relief from taxation and on the very same ground. If all agricultural and pastoral lands were exempt from taxation, the farmer and ranchman could raise their grain and stock more cheaply and could also sell them at lower cost. But when was it ever proposed to free lands and live stock from taxation in order that we might have cheaper bread and meat? Honorable Judges, the fact that to free raw material would cause a smaller loss of revenue than to free the farmer, miner, ranchman, etc., does not in any sense alter this great principle. Senator Bailey says: "If we are to exempt the manufacturer who makes the goods, why not exempt the merchant who sells the goods." And says he, "The proposition to filter a benefit through a special class to the general public is repugnant to every principle of democracy and violates every conception of American equality."

Honorable Judges, a benefit which cannot be extended to all will never be enjoyed by all, for the class to which it is extended has always monopolized those benefits.

But free raw material would also be discrimination in

incidental protection. Even if a duty be levied solely for revenue we are aware that it will afford some incidental protection thus giving an advantage to those who sell and placing those who buy at a disadvantage. In this we also denounce the discrimination. While our policy would be to do away with all protection, yet since this cannot be done, correct economic principles demand that it be extended to the producer of raw products as well as the manufacturer of finished goods, who is permitted in this way to receive back, in part, when he sells, what he loses when he buys.

And again more revenue can thus be raised and with less protection. By placing a duty on a larger number of articles it will enable us to make the duty lower on every article, and by thus distributing the duty over the largest possible area we have minimized and practically neutralized the evils of protection. If one-half the given sum which is to be annually collected for government expenses were to be levied on raw imports, and one-half from finished imports, the striking of one class from the dutiable list would mean the doubling of the duty on the other class. Honorable Judges, it is needless to remind you that keeping all imports, raw and finished, on the duty list will raise a maximum of revenue and at the same time cause a minimum of protection.

Taxed raw material is not a protective measure, and from our arguments tonight we are dealing with rates lower than Walker's revenue-producing rate. He says that tariff duties should be levied for revenue only and should be so adjusted as to operate equally throughout

the country and not discriminate between class and section. In 1845 Robert J. Walker fixed 20 per cent as an ideal revenue-producing rate. Yet the rate on every article, about the freeing of which there is so much discussion is below that rate. Hides come as the highest at 15 per cent, iron ore at 12 per cent and lumber at 9 per cent, making an average of 12 per cent.

Honorable Judges, why shall we not so distribute our duties that not only will there be no discrimination between classes of our citizens, but also that we may reduce the duty of all classes to a proportional share in supporting the governmental needs. For in the words of Senator Bailey: "Free raw material simply means a double profit to the manufacturer; it reduces the cost of what he buys and increases the price of what he sells."

Honorable Judges, every argument that has been made by the affirmative tonight is a direct or indirect plea for protection. We argue from the standpoint of the consumer, the man who makes it possible for the manufacturer to survive. Our plea is tariff for revenue only, and we base our plea upon the position of the democratic leaders of the past, and upon the principles of American justice and equality. From every American lip has come the expression that taxation is a burden, and that as a burden it should be borne proportionately. Never will we enrich one class at the expense of all others by a protective measure. But so long as the needs of the government must be supplied we demand that every citizen, that every class of citizens, pay a proportionate share of the expense, and that tariff shall be levied for revenue only.

NEGATIVE REBUTTAL, F. M. POWELL, '12 WM. JEWELL.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: Before entering into the negative arguments of this subject, I should like to call attention to some of the attempted arguments of the affirmative.

The affirmative in anticipating the arguments of the negative have told you that we would argue from the standpoint of protection. Our arguments are exactly the opposite from that; we argue against free raw material because it will minimize the evils of protection. The idea of protection has always been a one-sided affair, its benefits reaching only the manufacturer. But not that alone do we cry against, but the fact that the consumer must pay for his protection which the manufacturer gets. The duty that exists on raw material does not make the price of the manufactured goods higher, while it does help to pay the government expenses, does tend to equalize the very unequal burden of taxation. It is not the manufacturer who needs further protection, but it is the working man, farmer, miner, etc., that should receive justice in taxation. Speaking of free hides, the annals of the American Academy says: "The duty has always been a source of constant and increasing dissatisfaction to all leather and shoe manufacturers of the United States." Notice the advocates of free raw material make as their sole plea that it will benefit the factory.

My opponents also argue that free raw material must be had for the conservation of our resources. In the Review of Reviews, Volume 39, page 647, you will find

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this statement. "The advocates of improved forestry are not demanding free lumber." Senator Piles of Washington said that the real solution of the problem of the rapidly disappearing forests was not free lumber but replanting of trees. Cheapening the price of the raw product will cause it to be wasted rather than preserved. But the inconsistency of the argument of the affirmative is shown in that they make a plea for free raw material on the ground of conservation and follow that with an argument that free raw products will cause us to utilize all of our raw products. In one breath they plead to conserve, in the next, to consume our raw products.

They argue that the tax is lighter when levied but once, and that *once* on the finished product may sound good to the protectionist. But the tax on the raw material produces a wider distribution of tariff, which is the most desirable situation to be reached, makes the burden of taxation lighter and lessens the benefit of protection. We are opposed to the compensatory duty. However, that does not enter into this question.

The affirmative would have you believe that free raw materials are necessary in order to compete with foreign countries. That is only another plea for protection which we have answered already; but when they tell you that practically every civilized nation in the world has free raw material, I answer that by saying that practically *no* civilized nation does have free raw material. England, because of her congested population which renders everything but manufacturing impossible, has free raw materials. But nearly every other country in the world

has a tax on raw goods. The North American Review, Vol. 81, page 392, under the heading, "The New German Customs Tariff," gives the fact that the duty on wheat was raised 11.4 per cent, on corn 21.2 per cent, while that on hogs was raised 40 per cent, and the General Secretary of the Association of German Chambers of Commerce says: "The average tariff rate in Germany on agricultural products is 21 per cent, on manufactured articles 10 per cent." We are arguing for a raw tax much less than 21 per cent. In Germany only two raw products are free, viz.: cotton and copper; corn, wheat, tobacco, rye, lumber, logs, all vegetables, etc., are dutiable. In France there are only two free raw products, viz.: cotton and iron. Every other so-called raw product is taxed. In Spain all raw material is taxed, and the same is true for Italy and Russia. The statistics regarding France, Spain, Italy and Russia are found in House Documents, Vol. 41, page 3349. From the above it is plain to see that practically every important civilized nation taxes her free raw material.

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Speech of W. J. Bryan, Dallas, Tex., Sept. 14, 1909.

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Speech of Wm. R. Smith, United States House of Representatives, Dec. 13, 1910.

CONSERVATION OF NATIONAL RESOURCES

FEDERAL vs. STATE CONTROL.

The arguments on this subject are a restatement of the arguments used by the debating teams of Penn College, Oskaloosa, Iowa, against Leander Clark College, Toledo, Iowa, and Parsons College, Fairfield, Iowa, by one of the Penn debaters in a thesis submitted for graduation.

The statement of the question as debated by the Iowa schools follows:

Resolved, That the Power of the Federal Government Should Be Paramount to that of the States in the Conservation of Natural Resources. Discussion confined to forests, minerals and waterpower.

The Mss. was furnished by President David M. Edwards of Penn College.



FEDERAL VS. STATE CONTROL OF CONSERVATION

PENN COLLEGE (IOWA) THESIS.

THE ARGUMENT FOR THE AFFIRMATIVE.

By natural resources we mean those resources, provided by nature, which may be used for the benefit of man. Our question limits the discussion to three classes, viz : forests, minerals and waterpower.

The meaning of forests is obvious.

According to Webster, mineral means any natural inorganic constituent of the crust of the earth having definite chemical composition. This will include the metals, natural gases and all other substances of the designated character.

By water power is meant the power that may be developed for economic purposes from falling water.

Conservation means not the preserving or keeping but rather the economical development and use of the natural resources, in order that succeeding generations may enjoy their share of the natural wealth.

The term paramount according to Webster means having the highest rank of jurisdiction; superior to all others; chief; supreme. Our question therefore enquires whether the authority of the Federal Government or that of the states should be supreme in the economical de-

velopment of the resources with which nature has provided us. The contentions of the affirmative and negative may be graphically represented as follows:

AFFIRMATIVE.

An ideal conservation policy.

"Paramount" interpreted as "supreme" authority of the Federal Government over the states.

Involves a constitutional amendment.

NEGATIVE.

An ideal conservation policy by a better method.

State integrity is worth conserving also.

Constitution is the bulwark of state integrity.

The position of the affirmative will be substantiated by six principal arguments.

I. The resources of the United States belong to the whole people of the nation, therefore the nation should conserve them for its citizens.

The original thirteen colonies acting together acquired their independence from England and wrested a great deal of our present territory which it had originally received from England, retaining in many cases a tract even less than that which they ceded to the general government. The aggregate of these concessions was known as the public domain, out of which new states were to be created, upon an equal basis with all others, as fast as the population increased. In 1803, under President Jefferson, the Federal Government purchased from France that great territory lying between the Mississippi

river and the Rocky Mountains, known at that time as Louisiana, for \$15,000,000. Later in the Mexican War our fathers in the federal army fought for that territory in the southern part of the present United States, and upon the favorable termination of that war paid for what is known as the Gadsden purchase \$10,000,000. During all this time many states had been added to the original thirteen, but as yet most of them were east of the Mississippi River and they, through the federal military power, gave protection to those settlers west of the Mississippi against the Indian tribes. It was thus made possible for these settlers to build their homes and to enjoy the pursuits of peace. The Federal Government, also, from its treasury subsidized the early transcontinental railroads, thus bringing to these western settlers a market which was essential to their growth and prosperity. In 1867 the National Government purchased from Russia the Territory of Alaska for \$7,200,000. Therefore, the people of the whole nation, through the right of purchase by their general government, own the vast territory where so great a portion of our natural resources lie. And they have a vital interest not only for this reason of ownership, but also because they desire to see the general prosperity of the whole country.

The arbitrary character of boundaries of the states incapacitates them for effectual conservation. They were carved out of the public domain, as population grew, for ease in apportioning their representation in Congress, and their boundaries do not necessarily coincide with the boundaries of the resources under consideration. The

advocate of state control is demanding conservation, through arbitrarily bounded units, of those natural resources which are interstate and national in extent and bearing. The states having limited jurisdiction are evidently incapable of solving this problem which is interstate in character.

The national character of this problem is further seen in the fact that the conservation or destruction of the resources in any particular locality affects not only the people of that locality but also the people of the whole country. For example, in case of an extended coal miners' strike, the distress of the coal famine which is precipitated by this strike is not bounded by the locality or the state where it occurs, but is felt over a large portion of the United States.

II. The National Government is not affected by any detrimental local interest, but sees the problem in the large.

The evils arising from control by authorities having jurisdiction over limited and contiguous areas such as states, may be shown where the boundary line between states passes through an area occupied by natural resources. Take, for example, Minnesota, which has excellent and efficient laws protecting her forests. But suppose the administration in Wisconsin, bordering on the east, is not so efficient. Through lax administration a forest fire might be allowed to start in Wisconsin and would gain sufficient headway to sweep with devastating force across the line into Minnesota where it would work great damage and injustice to the property holders of

that state before their fire patrol could get control of the fire which the negligence of Wisconsin had allowed to be started. State control meets with the same difficulty in the case of other resources. It is a well known and self-evident fact that a waterpower company is justified in installing only as much machinery as the minimum flow and the maximum flow of a current of much consequence would amount to, several thousand horse power. In order to utilize a greater per cent of this power which is being lost under present conditions the flow of the streams must be regulated by a system of reservoirs for the purpose of impounding flood waters, and by properly handling the forests on the upper courses of these streams. By thus regulating the flow throughout the year the available power will be greatly increased. But how can a state solve this problem when only the lower courses of a river passes through its borders and it has no jurisdiction over its upper courses? Take, for example, the Columbia River, which rises in Canada, flows through Washington till it meets the Snake River, then takes a westerly direction to the Pacific Ocean. The upper courses of this stream are in Idaho and Canada. Will this state and Canada conserve forests and build reservoirs for the benefit of waterpowers in Washington and Oregon? If the Federal Government were made supreme in this matter, the conditions might easily be met, for it would have authority over any state through the power given to Congress by the constitution to make treaties with other nations, satisfactory arrangements could be made with Canada. This power to make treaties

with other nations is expressly denied to states, at present, by the constitution. Even where states have endeavored to adjust interstate water problems adjustments have proved unsatisfactory. Learned, the historian, tells us, "States along interstate rivers have failed to provide for the just division of waters in time of scarcity." This was shown in the *Kansas vs. Colorado* case, where Colorado had taken the water from the Arkansas River and had left little or none for the people of Kansas. Lyman Abbott, editor of *The Outlook*, says: "Where forests are left subject to state control, that control negligently exercised will be destructive to waterpower of another state. And if mines are left to state control the experiences of the past show that conflicting mining laws of contiguous states leads to endless litigation."

Another detriment to state control which springs from local conditions, is the fact that the states have no bases of taxation in the very section where the improvements are to be made. In Montana, a state of vast extent, the forests, minerals and waterpowers are largely in the western part, while the greater per cent of the population is toward the central and eastern part. The people in this state, being far removed from the resources in the western part of the state would regard it as unjust to be taxed for their development rather than for those in which they were far more vitally interested since they were near at hand, although separated from them by only arbitrary state lines. The Federal Government is not dependent upon local taxation for its funds, the support of its treasury is the duty on imports and the revenue derived from

distilled liquors and various other sources. This difficulty would therefore be eliminated by federal control.

The fact that the Federal Government can view the problem in the large enables it to administer the conservation of the various resources for the greatest good to the whole people. The principal agitation for state control is from western states. The basis of their complaint is that a large part of their territory which is suited to agriculture is included in the national forest reserves, is restricting their development and the government is therefore working an injustice to them by withholding this land from entry. When this situation is viewed from the standpoint of the whole people, it is seen that the federal policy operates to secure the greatest good to the greatest number for the longest time. The average size of the western farm is 320 acres. Scientists tell us that this is too large an area for one man to tend, that as large returns could be secured from one-third or one-fourth this acreage if intensive methods of agriculture were adopted. Newell Dwight Hillis, the renowned Brooklyn lecturer and preacher, says that the state of Texas alone is capable of supporting the present population of the United States. The West will grow saw timber in about fifty years, the shortest period in which it can be grown in the United States. Since the annual consumption of wood is greatly in excess of the annual growth of the forests, we are threatened with a lumber famine unless radical measures are adopted for the conservation of the stumpage now standing. When we look at the situation from this broad standpoint it is evident

that the need of the whole people is not for more agricultural land, but the need is for the timber. If the states were given control of this resource they would open this land for entry, and much of the standing timber would be placed on the market, for these reserves are much larger than the state needs of those sections demand. But the states of the Middle West which do not have sufficient timber for their own consumption would suffer incredible hardship owing to the great rise in the price of lumber in these sections which such a short-sighted policy on the part of the western states would entail. Lyman Abbott, editor of *The Outlook*, says that to expose any valuable thing to free-for-all seizure is to invite its speediest destruction. It is not the policy of the Federal Government to continually hold these lands from entry. President Taft in his speech at St. Paul said that by conservation we do not mean to tie up the nation's resources for indefinite time and for future generations, but we do mean their economical development and non-wasteful use. At the present time the National Government is re-foresting many of the semi-arid districts, but the timber in these sections grows slowly. However, when they become of marketable value and are contributing to our annual supply of lumber, the valuable farm lands of the West will be opened for settlement. But until that time the non-timbered states ought not to suffer the result of a short-sighted policy on the part of those states where the timber now stands.

III. The Federal Government is better equipped than

the states in a financial way, and can command the best men to carry on the work.

Many of the problems with which the conservation movement has to deal, since there is a large outlay of money involved, are beyond the ability of the states to handle in the most successful manner owing to their limited funds. For example, the reservoirs which must be constructed for the purpose of impounding the flood waters to regulate stream flow, will not only, as has been shown, have to be placed outside the states where the benefit from their waters is to be secured, but their construction would involve such a large expenditure of money that the funds of a single state would be inadequate. It is for this reason that the western states do all in their power to get the Federal Government to finance the reclamation of the arid lands in those sections. Almost all of the projects through the West that are handled by government aid are championed by the Federal Government rather than by the states. Since the states are thus already asking the Federal Government to do for them those things which they find difficult or impossible to do themselves, owing to their lack of funds, it would be unwise to give them the added burden of dealing with these problems of conservation which involves so great an outlay of money.

The ability of the Federal Government to secure the best men available to outline and carry out a wise conservation policy is superior to that of the states. It is well known that the men of first rank in ability to deal with these momentous problems are few. And they will not

only seek large positions but the large positions will seek them. The Federal Government if made paramount will not only have the large positions open to great ability but will also have the funds with which to pay their salaries. The men of this class having the greater efficiency can solve the problems that arise and lay down the policy; then the men of lesser ability in the several states can carry out that policy according to local conditions. The plan might be likened to the system upon which a large department store in a great city is operated. The central management lays down the general plan of operations, then the managers of the various departments operate their section of the work in harmony with the plan of the general management. So the Federal Government should be given power not only to outline a general policy looking to the greatest good to the greatest number, but also to compel the states to act in harmony with such a policy for the conservation of our natural resources. For the solution of the problem is to be found in the co-operation of all interested for the common good.

IV. The Federal Government is more competent to regulate and restrict the monopolies of forests, minerals, or waterpowers than the states.

Under the conflicting state laws as we have them at present, there is an unrivaled opportunity for the development of monopolies of natural resources. For example, let us suppose that West Virginia, in carrying out her conservation policy, should impose a restriction to mining within her borders, while across the line in Pennsylvania no restriction is made. This will enable the mine owners

in Pennsylvania to undersell the operators in West Virginia and the unequal competition on the market would enable them to starve out the West Virginia holders and add their mines to their own. With competition destroyed they may then place the price as high as the traffic will bear, and you have the essential features of a monopoly. This is merely an illustration, but it represents the disparaging condition of affairs as they exist today among the different states. And the conditions can be effectually remedied by removing the cause, viz., the unequal conditions due to conflicting laws, by making the Federal Government paramount, thus instituting uniform control.

The great timber tracts have also been taken up quite largely by monopolies. For years the lumber corporations of the West have been using every means within their power to add to their already immense holdings, section after section of the nation's forest wealth. And now since the conservation movement has been initiated and the Federal Government has withheld its reserves from entry, they raise the cry of "injustice," "federal usurpation of power," etc.

In connection with waterpower, also, conditions are well suited for the growth of monopolies to dangerous proportions if they are once permitted to gain control. And the grave danger of allowing this resource to become monopolized lies in the fact that those who control the water power of this nation will, in the future, control all the industries dependent upon them. These will include many of the factories and transportation lines and will aggregate a large per cent of the indus-

trial activity of the country. It is therefore seen that the great danger is inherent in the very nature of the case itself, since the control of the power of a certain section carries with it the control of its industrial life. Investigation reveals the fact that we are fast coming to such a condition. Herbert Knox Smith, United States Commissioner of Corporations, is perhaps as well acquainted with conditions in this field as any man in America. He informs us the eighteen concerns or closely allied interests now control 1,800,000 horse power of the developed water power of the country, the total being only 5,300,000 horse power. In other words, those eighteen concerns whose interests are closely allied now control more than one-third of the developed water power in the whole nation. And the holdings of these companies are not in any one section but are scattered over all the United States. In California four hydro-electric companies dominate the water power industry, and among these four companies there is evidence of considerable harmony. Conditions similar to this exist not only in California but also in the Puget Sound territory, in the Southern Peninsula of Michigan, in Colorado, in Montana and in the Carolinas. Mr. Smith tells us that "in each of these sections one, or at most, two concerns are predominant in their control of water-power, public service companies and power markets." So these companies are not confining themselves to waterpower but are extending their control to other lines of industry. The Commissioner says further, "There is a marked progress toward a mutuality of interest among

public service companies generally, electric light concerns, power concerns, gas concerns, and street railway concerns. The significant identity of officers and directors in a large number of such companies throughout the United States is very remarkable." To illustrate, the General Electric Company with its subsidiary companies and the other corporations in which its officers are found as directors or officers, make up a group of twenty-eight corporations that operate hydro-electric plants in sixteen different states. The General Electric group controls waterpower, developed and undeveloped, of 1,395,000 horsepower, which is more than twenty-five per cent of the total amount developed in the United States in 1908. Paid attorneys of these waterpower interests appear at every irrigation congress urging that the restrictions in the way of their obtaining entire control of the waterpower sites be removed. In some sections nearly every bank is an agency for waterpower capital. It is therefore evident that there is grave danger of monopolies gaining the controlling interest in all our natural resources. (Ref. 5.)

This problem of monopolies presents a situation which calls for speedy, wise and uniform action. If our natural resources are to be reserved these corporations and monopolies must be controlled. In what power may we most wisely hope? The policy of the states has been to sell the forests, minerals, and waterpower sites as rapidly as capital would take them up. But since the movement for conservation began and the Federal Government has withheld its reserves or granted occupation only under

lease, the states are urging to get control of the resources that they may turn them over to the corporations. But even if this be not the policy of the states, the very nature of the case incapacitates them to deal successfully with the monopoly question, for two reasons. First, there is no uniformity of state laws regulating monopolies, and second, the corporations may obtain their charter in one state and transact business in many others. The impossibility of the states being able to control their corporations is, therefore, self-evident.

The sugar trust and the North American Steel Corporation present the magnitude of the problem with which the states would have to deal. The only way in which such extensive corporations can be controlled is through the jurisdiction of the general government, for the states acting separately can never exercise the necessary scope of authority.

Of course it is not the contention that the organization of corporations should be prohibited, but that their evil features should be eliminated. All must recognize the necessity of organizing capital on a large scale in order to finance large undertakings, but the objectionable features which so often attend such an organization of capital as, e. g., operating in restraint of trade, must be religiously guarded against. It is the problem of correcting evils, for the control of which the states are inadequate, that the federal administration must solve.

V. The necessity of a constitutional amendment in order to make the Federal Government paramount in

the conservation of natural resources is not sufficient objection to thwart the proposed change.

The constitution was drawn up a century and a quarter ago, and by some of the ablest statesmen of our history. At that time it was admirably adapted for the government of the United States. But the members of the constitutional convention could not predict the trend of the development of our country, nor the problems which would arise in the evolution of our social order. They, therefore, very wisely provided that this instrument might be amended in order that it might adapt itself to new conditions as they arose. Since that time our country has made remarkable advancement in population and industry, due largely to the numberless inventions modifying the organization of our industrial life. And as advancement in these lines has given rise to various problems of government, our governmental institutions have been altered to meet the necessities of our people as the altered conditions have forced them upon us. Accordingly, upon several occasions the constitution has been amended and the readjustments have proved to be excellent improvements. The discussion of the present question has shown it to be of vast importance inasmuch as the foundations of our economical prosperity are threatened. Would we not prove ourselves unworthy, if upon such an occasion as the present, we should refuse to take advantage of the means of salvation with which our noble forefathers have provided us. It was for such conditions as the present that the provision for amendment was made.

Neither can it be urged that the nature of the amendment, since it tends toward centralization, is an objectionable feature. Government is merely an instrument to secure to the citizens of a country their rights and liberties. It is a means to an end. And although stability is one of its prime virtues it should, nevertheless, be sufficiently flexible to accommodate itself to the needs of its citizens as new conditions arose, for otherwise its rigidity would destroy its ability to perform the very functions for which it was created. The present is a period of centralization in the life of our American nation. Capital is being centralized to a remarkable degree. No period in the history of any nation has witnessed such an extensive organization of various and related industries under a central management as has the present period in the United States. Side by side with these developments we find the labor movements organizing the workmen in the various fields to give them an equality of bargaining power with capital. The workmen in the various lines are associated in national organizations. Therefore government, if it is to deal wisely and efficiently with the problems which arise in the social and industrial world, must be organized on a basis co-extensive with the institutions where these problems arise. It has been shown that the corporations which are rapidly gaining control of the natural resources are national in extent and therefore the solution of this question must be found in giving to the national government the power to administer affairs on a national basis.

VI. The power of the Federal Government should be

paramount to that of the States in the conservation of natural resources notwithstanding the fact that the educational system is organized under the jurisdiction of the States.

The careful student will recognize at once the fundamental importance of educating the citizens of the country to the needs, principles and purposes of conserving the natural resources. But this work is not alone the function of the States. Much of the investigative and experimental work necessary to thorough education in the treatment of forests, the location of waterpower sites, etc., is best being done by the special department under the Federal Government.

Some of the most practical work that has been done along this line has been done through the co-operation of private owners with the Federal Forest Service. This department has examined about 10,000,000 acres of private forests and given the owners practical instruction in the best methods of forestry. On a reserve of 17,000 acres in New Hampshire, used mainly for game, through co-operation with the Forest Service, the owners were not only able to meet the expense of the management but to realize a good profit besides. In 1899 the University of Tennessee at Sewanee seriously considered an offer of \$3,000 for the merchantable timber on a 7,000 acre forest. They received instruction from the Federal Forest Service, adopted a system of scientific forestry as outlined by that department, and the result has been that since 1900 they have received from the forest over \$18,000, and the forest is still in good productive condition.

Again, the public awakening which has come within the last two or three years has been largely through the efforts of the Federal Government. President Roosevelt, by calling the various Congresses and Conventions, and making the numerous appointments for the promotion of the Conservation Movement, together with his masterful discussions of the subject and his recommendation for legislation, has had a far-reaching effect in calling the attention of the public to the needs of the hour. Gifford Pinchot, Chief of the Forestry Bureau under Roosevelt, undoubtedly holds first place among the promoters of the conservation movement. His speeches and writings have been of great educational value to the public at large. The report of the National Conservation Commission is perhaps the greatest fund of information on conservation available. These instances are merely a suggestion of the work of the Federal Government in this line of activity, but at best, results from this source will be somewhat delayed. The call is for immediate and comprehensive action, for delay means the rapid diminution of the resources which yet remain. But the Federal Government should be given paramount power in order that a comprehensive and uniform policy may be inaugurated which shall be effective in conserving the resources while the people are being educated in the proper performance of the duty which has been intrusted to them.

THE ARGUMENT FOR THE NEGATIVE.

When the movement for the conservation of natural resources was first initiated, it was a question as to whether the federal holdings in natural resources within the states should continue to be turned over to the states for development, or should be retained by the Federal Government and leased to individuals or corporations. At the present time, however, the movement has expanded till it covers a far more extensive field. Mr. Henry Wallace, president of the National Conservation Organization, tells us that the movement has extended to all resources whether held by the Federal Government, the states, or by private individuals, companies, or corporations. Gifford Pinchot says, "Federal resources alone are inadequate, we must therefore count upon resources privately held." The statement of our resolution carries but the one limitation to forests, minerals and waterpower, and if confined to federal holdings alone we should consider not more than 25 per cent of these. We are therefore obliged to consider the whole field in these three great classes of the nation's wealth. At present, as will be shown, the power of the Federal Government is not paramount over even its own holdings in natural resources within the states but has only a proprietary right subject to the police power of the state in which they are located. Neither can it be made paramount without a constitutional amendment transferring this power from the states wherein it is now vested to the Federal Government. The burden of the affirmative

is therefore two fold: first, to show that Federal Government would be more efficient than the States in conserving the natural resources; second, that its efficiency is enough greater to justify a far-reaching abridgment of the sovereign rights of the states. The negative will maintain that the states are more efficient than the Federal Government to deal with the problem and that there is no occasion for the readjustment of power toward centralization by constitutional amendment.

I. The power of the states should be paramount to that of the Federal Government because they are more interested.

The vital and immediate interest of the states in the proper conservation of their own resources may be known in a number of ways. In the first place, the local interests demand it. Throughout the West, owing to the lack of sufficient rainfall, the agricultural interests are, generally speaking, very largely dependent upon the flow of the streams, and agriculturists are, therefore, vitally interested in forest conservation and every other measure that will help to regulate the streams, since the very life of this industry is dependent upon them. Also, the manufacturing interests throughout the country are coming more and more to depend upon the waterpower, rather than upon power developed in other ways, to operate their machinery. These industries are much in excess of those which would easily over-rule them and dictate the conservation policy to be adopted. The relative proportion of the industries interested in manufacturing, minerals, agriculture, and lumber is indicated by

the valuation of their products as shown by the statistics given below, which were taken from the Statesman's Year Book for 1910. The waterpower interests were not mentioned by the Year Book because they have not yet become of sufficient importance.

WASHINGTON.

Manufacturing	\$128,000,000.00
Minerals	11,000,000.00
Agriculture	60,000,000.00
Lumber	49,000,000.00

OREGON.

Manufacturing	\$55,000,000.00
Minerals	2,000,000.00
Agriculture	30,000,000.00
Lumber	12,000,000.00

CALIFORNIA.

Manufacturing	\$267,000,000.00
Mineral	65,000,000.00
Agriculture	137,000,000.00
Lumber	18,000,000.00

COLORADO.

Manufacturing	\$100,000,000.00
Minerals	31,000,000.00
Agriculture	25,000,000.00
Lumber	Not mentioned

These western states have been selected to illustrate this feature of local interest because that is the section

where the greatest extent of the natural resources to be conserved lies. But in every instance it is shown that the manufacturing and agricultural interests are far in excess of those interests which would seek to exploit the resources, and will, therefore, since the life of these industries depends upon it, dictate the conservation policy to be adopted.

Again, in the case of New York state interest is admirably shown. This state has a forest reserve in the Adirondack and Catskill mountains of 1,641,523 acres. Governor Hughes urges that it be increased to 4,000,000 acres, and that waterpower to the amount of 240,000 horsepower be developed on the Hudson river.

Two years ago Montana passed laws conserving forests and minerals by state control. After two years of trial Governor Norris of that state tells us that they have proved wise and efficient. (Ref. 4.) He also called a meeting of the state legislature to investigate the prevention of forest fires. This indicates that the States are studying the local conditions in order that they may legislate intelligently and efficiently.

Minnesota appropriates \$16,000 annually for a fire patrol system and is complimented upon having the most efficient fire patrol system in the United States.

But the Federal Government, on the other hand, has upon several occasions shown a distinct lack of interest in this great movement. Congress refused to make appropriations in order that the National Conservation Commission might carry out its work as instructed. It also prevented other departments from co-operating with

this Commission, and the Committee on Printing of the House refused to publish the popular edition of the report of the work which the National Commission was able to do in spite of the hostility of Congress. So far as lay in its power Congress made without avail the appointment of this Commission. (Ref. 2 pp. 9-11.)

The Colorado Triple Project also indicates the short-sighted, indifferent attitude of the Federal Government. In this case a railroad under construction had progressed to within one hundred miles of a cañon and had applied for a right of way through the cañon. But the reclamation bureau had also made application for the right to build a dam across the cañon for the purpose of impounding the water, which would irrigate \$36,000,000 worth of lands. Also, a waterpower company had applied for a right to build a waterpower plant here. All three of these enterprises could have been successfully carried out if the railroad had been required to go around the waterpower site and enter the cañon above water grade. *This situation was shown to President Taft and the government officials, but for reasons unknown and unstated the right was first given to the railroad, which immediately entered the cañon inside the waterpower site and below water grade, thus destroying both the other projects.* In this case there was lost to society \$30,000,000 worth of land and its products and the homes it would have afforded, and, further, we must draw upon the coal supply to develop 25,000 horsepower which it was estimated the waterpower would have developed. Are we justified in making paramount a power which

has only recently executed such an unwise policy as this? (Ref. 3, p. 9.)

II. The power of the states should be paramount to that of the Federal Government in the conservation of natural resources because their supervision is closer and more direct.

It is suggested that the resources are scattered over the whole nation, that they belong to the people of the whole nation, that their conservation or destruction affects the people of the whole nation and, therefore, the people of the whole nation acting through their general government should be paramount in their conservation. We may answer that so far as our question is concerned, territories being excluded from a question of state versus federal control, the resources are scattered no more widely than the states; that wherever resources are found there is the authority of a state government with sufficient power to enforce their proper conservation. The people of the whole nation may have a nebulous, theoretical claim upon the resources of the whole nation, but it is the people of the locality where the resources occur and to whom they are available for use who have the first, more immediate, and greatest inherent right to them. For example, have not the farmers of Iowa a greater inherent right to the soils of Iowa than the bankers of Wall street? It may be true that the conservation of the destruction of the resources in any state would affect the people of the whole nation, but the effect upon those further removed would not be nearly so great as upon the people of that state. What citizen of Iowa would

not feel a greater interest in the conservation of the coals of this state than those of Alabama? It is therefore seen that the natural resources rightly belong to the people in the states where they occur, those to whom they are available for use, and, therefore, they should retain the paramount power in their conservation as it is now vested in their respective state governments, the sovereignties which are nearest to them. J. R. McKee in writing for the North American Review says, "It has always seemed to me that the most satisfactory way to handle the situation as a whole regarding our public lands would be to turn them over to the respective states in which they are located. Each state can look after that which applies to its own domain. The only argument ever heard advanced against this is the contemptible one that the local governments are not as cautious as the national one, and would be more vulnerable. This, however, is not an argument but an attempt to reflect on our forms of government. There is at present too great a tendency in our Congress, and the executive departments toward paternal government, and each state ought to be allowed to control and make use of the land which lies within its own domain, and this, I believe, is the solution which will eventually be found." (Ref. 3, p. 8.)

The action of the Federal Government in regard to other reforms does not commend it as worthy to be given paramount power in matters of conservation. The states asked for a national pure food law in 1889. It was not passed by the Federal Government till seventeen years later, in 1906. Such dilatory action as this, in regard

to conservation, would be absolutely ineffectual. The present problem demands immediate attention, and if it be delayed for seventeen years there will be little or no resources left to conserve. This same tardiness of action is shown in connection with the prohibition question. But the consideration which this question has received gives us further evidence of the desirability of state control. Out of seven states, 550,000 votes were cast for state prohibition, and in the same seven states only 10,000 votes were cast for national prohibition. It is therefore seen that the further the administration is removed from the people, the less is the interest in that administration; and that, although an issue is of great importance, it often becomes obscure and buried in the complexity and multiplicity of other issues.

The argument is offered that the National Government can secure better men than the states. It may be replied that the men who have specialized in forestry, mine engineering, or in the study of waterpower development will find their work under state control, if the paramount power be retained by them, just as they would under the control of the nation if the Federal Government were given paramount power. We cannot say that a certain man has national ability and that another has only state ability, for a man can perform only a certain amount of work no matter by whom he is employed. And when a man has specialized in these different lines of work he will find his employment no matter whether the Federal Government or the states hold the paramount power. But it is urged that the men of extraordinary ability are

very scarce, and that these might outline the policies and the more inferior men in the several states carry them out. I answer that every such policy which they might outline would be something new and therefore an experiment, else it would not require men of such extraordinary ability to work it out. And this experimenting on the national scale is extremely objectionable. If a single measure should be adopted which proved to be unwise, it would work its damage nation wide, while in the case of a state, it would be confined to the boundaries of that state. Every wise and beneficial measure which any state might adopt could be imitated by other states, and every unwise and injurious measure which any state might adopt could be avoided by other states.

This reform is not a reform which requires more power. The states have sufficient power; the essential need is immediate action. James J. Hill tells us that he favors state control because the national machine is too big and too distant, its operation is slow, cumbersome and costly. This slow, cumbersome and costly policy of the Federal Government is shown by its management of the Alaskan coal fields. General James H. Wilson, LL.D., a civil engineer of much experience, who was asked by Mr. Jacob H. Schiff, a New York capitalist who has very extensive interests in many large companies, to report on the resources of Alaska, says: "By far the most serious handicap in the production of coal in Alaska has been the policy of conservation under which the coal-land laws have been suspended so completely that for the last decade not a single entry of coal

land has gone to patent. Under this state of affairs both individuals and corporations are compelled to suspend all plans and operations for the development of Alaskan coal lands." (Ref. 13.) He then calls attention to a number of acts of Congress passed between 1900 and 1908 which explain the situation, and in concluding makes the statement that "the United States conservation policy, with reference to Alaska at least, is a most unfortunate one, not only for those who are interested in developing that country, but for the people of the United States at large." The working of this policy is further explained in the United States Senate by Senator Carter of Montana. He said: "The conservation of coal in Alaska leads at present to the transportation from West Virginia to Valdes in Alaska of all coal that is needed on this coast, and will be needed here for generations to come, while the people who are buying the coal at Valdes are within gunshot of mines of greater value and greater productive capacity than the mines of West Virginia from which the coal is shipped around the Horn, down the Atlantic coast and up the Pacific, a distance that I will not undertake to state accurately at this moment. This is not conservation; it is waste, criminal waste, transferring a portion of the public resources from the Atlantic coast over to the coast of Bering sea on the North Pacific, where it is much less needed than at its source." Therefore, we must conclude that we cannot expect to secure wise and efficient conservation of our natural resources by making paramount a power

whose administration is so ineffectual as this has proved, however sincere that administration may be.

III. The states should retain the paramount power in the conservation of natural resources because federal conservation involves injustice to the states. This injustice may be shown by the loss of taxes to the states which federal conservation necessarily involves. It is the policy of the Federal Government to lease the natural resources to capitalists or corporations for this development, upon the payment of a franchise tax. This tax will invariably be referred to the consumer just as the tariff duties are, under the present tariff laws. Some argue that this would not be the case because the corporations would charge as much for their product as the traffic would bear, whether a franchise tax was imposed or not. This, however, would not be true, for it is one of the police powers of the states to prescribe the maximum charges of a business affected by the public interest. This has been done in a number of instances; e. g., the state of Idaho fixes the maximum price which a waterpower company may charge for its product. Therefore, when a state legislature is considering a bill fixing the maximum price which corporations developing natural resources may charge for their products or services, if there is on the statutes of such a state a law requiring these corporations to pay a franchise tax, knowing that that tax must come from the profits of the business in which they are engaged, the legislature will place the maximum price higher than if no such franchise tax were imposed. The corporation will then

charge this maximum price, for it is evident that no law would be passed fixing a maximum price equal to or above what the traffic would bear, since such a law would have no function to perform. A law fixing a maximum charge springs from a condition where the corporations are charging more than is justice to the public; e. g., the law fixing two cents per mile as the maximum passenger fare in the state of Iowa was passed when three cents per mile was the regular fare. We must conclude then that this franchise tax will be paid by the ultimate consumer under whatever conditions we may expect to exist. This franchise tax if laid by the Federal Government under a system of federal conservation would go to the federal treasury, and the people of the state who paid it by consuming the product of the corporation through whom it was paid, would receive no more benefit from it than the people of other states who paid no such tax, since the resources, particularly of the eastern states, have passed from public to private ownership. It is estimated that under such a system, within a few years, seven or eight of the western land states would be paying into the federal treasury about \$45,000,000 annually. This great sum would come from the newer states of the West struggling in their development, with no corresponding tax from the better established states of the east. Such gross inequality of taxation would be altogether intolerable. It is said that 25 per cent of this tax is returned to the states from which it came, but even if this be true there is 75 per cent of the evil that remains uncorrected.

If this franchise tax were laid by the states under a system of state conservation, the revenue accruing therefrom would go to the state treasury, and thereby lighten the taxes of the very people who paid it by consuming the product of the corporation which was doing business within their borders. This would be entire justice and no objection would be raised. Governor Hughes has said that if his plan shall prevail, he will secure to the state treasury of New York about \$1,230,000 as a tax upon the power capacity of the Hudson river. When the Illinois canal is finished it is estimated that about \$4,500,000 will be secured to the treasury of Illinois as a result of the power capacity which will be developed. This will go to the benefit of the state of Illinois and lighten the burden of taxation of those who, by using the product of the power developed, pay the tax. To such systems as these which states are inaugurating, no exception is being taken, for the reason that entire justice is secured and the rights of none are ignored.

Again, a federal policy involves injustice to the western states because it is a menace to their development. The withdrawal of 300,000,000 acres of land from entry and use has been a severe check upon the industrial growth of the western states. In Oregon, Washington and Montana, nearly half of the land has been withdrawn from appropriation. Much of this land is held by the Federal Government as timber reserves, but there is 40 per cent of this area which has no timber on it and which is admirably adapted to agricultural purposes. Some of these lands are also held for their mineral wealth.

This policy of withholding these resources from development is contrary to the fundamental principles of our constitution, which definitely declares that the new states as they come into the Union shall be on an equality with all others.

But when a state has her agriculture lands locked up, she is not on an equality with a state which can devote them to the raising of food stuffs for her people. A state which has her mines withdrawn from development must see immigration and all that goes to make her a great commonwealth turn from her borders. If the waterpower of the streams lies idle there must be all the greater drain made upon the other resources, and there is absolutely nothing saved for future generations, as might be argued in the case of lands and minerals. But this policy of idleness which is characteristic of federal conservation is a criminal blunder. However commendable our homestead laws may be, thousands of our excellent American-born citizens, in their eagerness to secure homes, are annually leaving our borders and going into Canada, where they are able to secure land under tolerable conditions. On the one hand, we are allowing to come to our shores a very inferior class from southern Europe, while on the other hand, we are driving from us thousands of our best citizens. It is not the policy of those who advocate conservation by state governments to open these resources to ruthless exploitation and destruction. They do not differ from the most ardent nationalists in principle, but they do most radically differ as to the methods to be employed. Any conserva-

tion policy which is worthy of our attention must have as its basis and fundamental principle that of economic use and development. This is the policy of the state governments as opposed to the exclusive withdrawal system which is now being conducted by the Federal Government.

IV. The proposed change is contrary to the fundamental principles of our government.

In order to get an adequate idea of the proposed change it will be necessary to inquire, what is the present adjustment of power between the states and the Federal Government in their jurisdiction over the resources in question. Since about twenty-five per cent of the resources are publicly held, and this very largely by the Federal Government, let us first consider the authority which the Federal Government may exercise over its own holdings within the boundaries of the several states. This authority has been defined by the United States Supreme Court in a long line of decisions. [*Martin vs. Lessus* (16 Pet. 410); *Case vs. Toftus* (39 Fed., 30); *State of Illinois vs. Chicago* (107 U. S. 678)]. Many others might be mentioned, but I will call attention to the case, *Black vs. Pomeroy*, in which the Court said:

"The United States Government has no power to prescribe for its grantees any general rule of law concerning the use of either lands, or streams to which they are adjacent, binding upon its grantees, of public domain situated within a state and becoming operative after they have acquired their title from the Federal Government. The power to prescribe rules forming part of the law

concerning real property belongs exclusively to the jurisdiction of the states. Over the public lands situated within a state the United States has only the rights of a proprietor and in no sense the legislative or government rights of a sovereign. Even with respect to navigable streams within a state, the powers of the Federal Government are limited and, . . . so with respect to streams which are unnavigable." Again, in the case of *City vs. McGinn* (51 Illinois, 295), the court made the following decision: "Neither under the power granted by the states to Congress to regulate commerce with foreign nations and among the several states and with Indian tribes, nor under any other provision of the constitution or act of Congress, has this power of the states over the navigable rivers exclusively within them to render them useful for their domestic purposes, been surrendered." "Domestic purposes" covers the field of power development.

These decisions show that the states and not the Federal Government hold the legislative and governmental rights of a sovereign over the holdings of the Federal Government itself, which lie within the boundaries of a state.

By the very nature of the case, power sites are included in the shores and soils of the streams. Jurisdiction over these lies with the power of the states as defined by the supreme court in the case *Pollard vs. Hogan* (Third Howard, P. 212).

"The right of eminent domain over the shores and soils of navigable waters for all municipal purposes be-

longs exclusively to the states within their respective jurisdiction (footnote 1). And they only have the constitutional power to exercise it. To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters would be placing in its hands a weapon which might be wielded greatly to the injury of the state sovereignty, and deprive the states of their power to exercise a numerous and important class of police powers." Therefore, it is shown upon the authority of the United States Supreme Court that the federal holdings within a state, except, of course, where the Federal Government has condemned property for public use; e. g., postoffice or arsenal, are subject to the sovereign power of the state in which they are located.

That the state holds the sovereign power over its own holdings within its borders is not questioned. But we must now determine the authority which a state may exercise over private holdings in natural resources. This also has been defined by the United States Supreme Court in a number of decisions in two of which (*Kan. vs. Colo.*, 185 U. S., 125; *Georgia vs. Tennessee Copper Co.*, 206 U. S., 230) the following opinion was given: "The state as quasi-sovereign and representative of the interests of the public has a standing in court to protect the atmosphere, the water and the forests within its territory irrespective of the assent or dissent of the private owners immediately concerned." A very significant de-

¹The term municipal has a meaning relating not only to cities, towns and villages, but in the legal sense to the state or nation. (Sir Bouvier's Law Dictionary, Vol. 2, 462.)

cision defining this power has also been given by the supreme court of Maine (103 Maine, p. 506): "Legislation to restrict or regulate the cutting of trees on wild or uncultivated land by the owner thereof, without compensation therefor to such owner in order to prevent or diminish injurious droughts and freshets and to protect, preserve and maintain the natural water supply of springs, streams, ponds and lakes, etc., and to prevent or diminish injurious erosion of the land and the filling up of the rivers, ponds and lakes, etc., would not operate to take private property within the inhibition of the constitution."

These decisions define the exact adjustment of power between the states and the Federal Government with reference to their jurisdiction over natural resources; that the Federal Government has only a proprietary right over even its own holdings within a state, except when condemned for a public purpose in which case it would not come within the limitations of our subject of natural resources, and that the states hold the sovereign and governmental rights over all resources within their borders whether held by private individuals or corporations, by the state or by the Federal Government. It is, therefore, evident that in order to make the Federal Government paramount in its authority over natural resources, there must be a readjustment transferring the supreme authority from the states wherein it is now vested to the Federal Government. Since the present adjustment is according to the constitution as it now stands, it would necessarily require an amendment to

that instrument to accomplish the change. The fact that an amendment is required, however, is not the deplorable feature, but it is the nature of that amendment to which objection is made. Upon several occasions amendments have been adopted, but with two exceptions which did not pertain to the rights and liberties of the people whatever, these amendments have been democratic measures; i. e., to the effect of securing more rights and greater liberties to the people. We are now asked to adopt an amendment which would alter some of the fundamental features of the constitution by virtue of which it secures to the people their freedom of local government. Such a far-reaching abridgment of the freedom of local government would be unwise because it is contrary to the liberty-loving spirit of American institutions.

If the United States Supreme Court, in the *Pollard vs. Hogan* case, has given us the opinion that to give to the United States Government the right to transfer to a citizen the title to the shores and the soils under the navigable waters would be placing in its hands a weapon which might be wielded greatly to the injury of the state sovereignty, and deprive the state of the power to exercise a numerous and important class of police powers, how much more would the sovereignty of the states be endangered, and how far greater would be that number and of how much more importance would be that class of police powers, of which the states would be deprived, if to the right to give title to the shores and soils of navigable waters should be added the paramount au-

thority, over not only the shores and soils of navigable waters, but also over the shores and soils of all streams upon which waterpower might be developed, and the paramount jurisdiction over all forests and over all minerals within the states, whether held by private individuals or corporations, by the states or by the Federal Government? It is prudent to hazard the sovereignty of the states by thrusting it into such extreme jeopardy?

It has been shown that the citizens of each state have an inherent right to the resources of their state, and further, upon the authority of the United States Supreme Court, that the paramount jurisdiction over these resources belongs to the function of the states in which they are located. Secretary Root tells us, "The nation cannot perform the functions of the state sovereignties." If it were to undertake to perform these functions it would break down. The machinery would not be able to perform the duty. The pressure is already very heavy upon the national machinery.

The fact is we have the authority already vested in the state governments. The need is not a readjustment of power but a better administration of the power as it is already adjusted. It cannot be urged that the states will not eliminate the evils of the present administration of affairs. The fact that there has been but little corrective action until recently is chargeable to a lack of an aroused public opinion. No power, state or federal, can initiate reform apart from public sentiment as its moving spirit. Since the recent campaign of education through the current literature and various conventions

and congresses, many states have taken up the work of conservation. Maine, Minnesota and a number of the other forest states are revising the tax laws by eliminating growing forests from taxation to facilitate the conservation of this great class of resources. Most timbered states not only have fire laws protecting forests, but many are now furnishing state patrol. Some time before the movement was made national by the Federal Government, in the calling of the Governor's Conference at the White House in 1908, New York adopted her conservation policy, which has accomplished gratifying results. She created her Water Supply Commission in 1905 which has made important advances in the matter of waterpowers. Governor Hughes made recommendations, and the legislature responded by directing the commission to devise plans. Most of the states have conservation commissions. Charles R. Van Hise, President of Wisconsin University, compliments Pennsylvania upon having the most excellent conservation policy in existence. Thus we see that reforms are being pushed forward rapidly by the different states. We cannot expect that all wrongs in all states will be set right immediately either under state or federal control. And we shall not correct evils of administration but rather augment them by removing that administration further from those to whom it is responsible. Senator La Follette tells us that the remedy for the evils in any particular field is a greater degree of democracy; i. e., bringing the administration nearer the people to whom it is responsible. But when the Federal Government is made para-

mount, this administration of natural resources is removed further from the people in their state governments and centralized in a bureaucratic administration by the Federal Government at Washington.

Neither can it be urged that the states are incompetent owing to their limited jurisdiction. The United States Constitution provides that a state may, with the consent of Congress, enter into an agreement or compact with another state for the purpose of accomplishing some object of mutual interest. (Ref. 8.) This has been done in a number of instances. A company incorporated under the laws of the state of New York and receiving its franchise from that state (Ref. 2, p. 155), placed a dam across the St. Lawrence river to the Canadian shore. In this case a state has made satisfactory arrangements with a foreign country. The most ardent of federal conservationists acknowledge the necessity of co-operation between the states and the Federal Government, and the same spirit which will lead them to co-operate with the Federal Government or with a foreign nation will lead them to co-operate with one another. Again, the Keokuk and Hamilton Power Company, which is now constructing a dam across the Mississippi river at Keokuk, Iowa, secured their franchise from the Federal Government, since the Mississippi is a navigable stream, but the company is organized under the laws of the state of Illinois. The Governors' Conference at Washington, in 1908, was a striking example of coöperation on the part of the states

not only with the Federal Government but also with one another in the matter of conservation.

The constitution also provides that the United States shall guarantee to every state a republican form of government (Ref. 9). But shall we be content with the *form* and allow ourselves to be denied the *power* of local government? Why is a republic better than a monarchy? It is because it extends the uplifting hand to every citizen. Because it secures the liberties of its citizens and protects them in the exercise of their normal functions. It blesses the state that gives and blesses the citizen that receives. The state gives liberty and equality of opportunity, the citizen gives his interest, his sustaining care and his response to the call of patriotism. But when you adopt the policy which destroys the sovereign power of the states, you thrust away local government, obliterate the states and leave the Federal Government paramount but alone. Are we likely to achieve our best development by adopting such a policy?

V. The states can better educate for conservation of natural resources than the Federal Government.

Let all the laws for conservation be passed that may seem advisable, these laws will have to be executed. And it has been shown that the federal administration, due to its far removal from the problem, would be more costly and less efficient than that of the states. But in any case there is a more effectual method which must speedily be brought into use. We must educate not only those who hold the resources, but the public at large. Roosevelt has said, "The most reprehensible waste is that of

destructive forest fires, uncontrolled flow of gas and oil, soil wash and abandonment of coal in mines. This is due for the most part to ignorance, indifference or false notions of economy. To rectify this the most effective means will be found in the increase and diffusion of knowledge, from which is sure to result an aroused public sentiment demanding prevention." (Ref. 11.) How has the soil fertility of Iowa been conserved? Has the legislature passed laws requiring scientific agriculture? "It has been accomplished by a great campaign of education, in which the most important factor is the state institution at Ames, spreading knowledge by its practical demonstrations, its short courses and its extension department. The agricultural press in the state has played no unimportant part. Statistics show that the average yield of the important crops has been increased several per cent. Farmers have been convinced that scientific agriculture not only conserves soil fertility, but is most profitable. Just so, the holders of forests, minerals and waterpowers may be taught what scientists have discovered, that in the long run these will prove more profitable if scientifically developed than if ruthlessly exploited. Where are the foresters, mine engineers and civil engineers to superintend development of waterpower educated? Almost altogether in the state institutions. I do not ignore the federal agricultural department which performs an advisory function. As for all that it may accomplish in co-operation with the states, well and good; but the states, because of their far greater efficiency in educating,

should retain the paramount power in order to administer its resources according to the local needs to which its people have been educated.

VI. The responsibility of administration would better develop the citizens of the states upon whose intelligence the strength of the nation depends.

It is a well established principle in science and society that in order to secure development you must provide for the exercise of the normal functions; that social evolution progresses exactly in proportion as the citizen is made of importance over the state, and decreases exactly in proportion as the state is made of importance over the citizen. Professor Royce, professor of the history of philosophy of Harvard University, who is one of the most eminent thinkers in America along this line of philosophy, tells us that history proves that if you want a great people to be strong you must depend upon the provincial loyalty of its citizens to mediate between the people and their nation. What we need is to bring the great mass of people to be less estranged to their own social order, not to bring about a revival of the old sectionalism, but a wise provincialism which makes the people want to idealize, adorn, ennoble and educate their own province; to hold sacred its traditions, honor its worthy dead, and conserve and increase its public possessions. The merit of a strong provincialism is evidenced by other nations. The national consciousness of Germany, although she, like the United States, suffered much from sectionalism, presupposes and depends upon a highly developed provincial life and loyalty. A great historical

weakness of France has been such a centralization of power and social influence about Paris as has held in check the full development of the dignity of provincial consciousness in that country. The need of our country is for the ideals of the various states to be enriched and made definite, they will then be strong when represented in the national government. Professor Royce says, "The present tendency to the centralization of power in our National Government seems to me a distinct danger. It is a substitution of power for loyalty." (Ref. 13.) Any republic which numbers millions in population and is vast in extent, if it would have a vigorous national life, must depend for the potency of that vigor upon the loyalty of its citizens to their local governments. But once adopt a policy which destroys the essence of local government and you have destroyed the very principle which enlists the loyalty of the citizens to those governments. President Taft, in his speech at St. Paul, September 5-9, 1910, said: "In these days there is a disposition to look too much to the Federal Government for everything. I am a liberal in the construction of the constitution with reference to federal power, but I am firmly convinced that the only safe course for us to pursue is to hold fast to the limitations of the constitution and to regard as sacred the powers of the states." (Ref. 10.) The efficiency which our great American people have attained in national government has been a result of the training which they have received in the administration of local government. We must, therefore, conclude that the wisest solution of this problem

is to retain our present democratic administration of these local affairs, rather than by a constitutional amendment to alter some of the most fundamental principles of our government and adopt a centralized, bureaucratic administration by the federal authority at Washington.

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Also, excellent information was obtained from the following sources, giving a knowledge not only of Conservation in general but also argument pertinent to the question under discussion.

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THE INITIATIVE AND REFERENDUM

Colgate University vs. $\left\{ \begin{array}{l} \textit{Union College} \\ \textit{and} \\ \textit{Hamilton College.} \end{array} \right.$

In a discussion of the Initiative and Referendum for New York State, Colgate University on the affirmative won a two to one decision over Union College, (Schenectady, N. Y.), and a unanimous decision over Hamilton College, (Clinton, N. Y.), on the negative of the question.

The exact statement of the question used in this triangular league was not included with the debate speeches. It probably was:

Resolved, That the constitution of the State of New York should be so amended as to provide for the initiative and referendum.

Mr. E. W. Smith, Head of the Department of Public Speaking at Colgate, furnished the speeches given here.

THE INITIATIVE AND REFERENDUM

COLGATE UNIVERSITY vs. UNION COLLEGE.

FIRST AFFIRMATIVE, MR. J. H. AMBERG, '12, COLGATE

Mr. Chairman, Ladies and Gentlemen: The Initiative and Referendum is a proposition of great and growing interest in this country. It has already been adopted in nine states of the Union, and is promised in many others. The plan is a simple one. The Initiative is a device by which a person or group of persons may draft a proposed law, and if this is signed by a reasonable percentage of the voters, it is then submitted to the people at a special or regular election. If the required popular approval is received, it becomes a law. The Referendum, on the other hand, is a plan by which a reasonable percentage of the voters may require that any measure passed by the legislature, except certain emergency measures, shall be referred to the electorate, and if the stipulated majority is received it also becomes a law. In other words, the Initiative and Referendum is a plan to permit the people by direct vote to decide for themselves whether they wish certain laws which the legislature refuses to enact, and whether they wish to check the legislature from passing undesirable laws. That is simple, isn't it?

The main proposition which I shall endeavor to prove

to you this evening, and upon which we base our argument, is this: "Any measure which is a move in the direction of more democracy, and which is at the same time practicable, should be adopted in this state." By democracy, we mean the extent of popular control in the affairs of state. By practicable, we mean any measure not repugnant to stable, efficient, energetic government. Our proposition, then, is, "Any measure which is a move in the direction of more democracy, that is, more popular control in government, and which is at the same time practicable, that is, in harmony with efficient government, should be adopted in this state."

This principle is a fundamental one in American government, first, because the founders of both state and national governments adopted as much democracy as was at that time practicable.

The framers of our constitution received their theories of democracy from the colonists who had gone before them. These colonists were frontiersmen of the freest type, men who demanded the right of free petition and enjoyed free institutions, such as the New England town meeting. The spirit of democracy grew until, before the Revolution, such orators as Samuel Adams and Patrick Henry hurled across the ocean the deepest note of liberty and democracy. At this time, Thomas Jefferson wrote the Declaration of Independence, saying, "All men are created free and equal.....governments derive their just powers from the consent of the governed." That was democracy, ladies and gentlemen—that was liberty.

The criticism has been made, however, that the framers of our constitution neglected these theories of democracy. But now they were no longer engaged in formulating a theory, but had the task of establishing a government that would endure. They now turned their attention to the question of practicability, if you please. As James Madison, himself the spirit of the constitutional convention, said, "The great task before the convention lay in combining the requisite energy and stability of government with the inviolable attention due to the popular will." There were two reasons why they endeavored to limit to a certain extent the principle of democracy. The first was that up to that time no republic had ever long endured. Therefore, our republic was to be doubly safeguarded. The second was that conditions in our country at that time did not warrant complete democracy. Education was at its beginning; conditions of transportation and communication were primitive, and there existed no compact nationalistic spirit which would assist the working of democracy. Observing these principles, our fathers framed a feasible democratic constitution providing that all financial legislation should originate in the popular house, and that all powers not specifically granted to Congress should be reserved to the states or the people thereof.

Not only in the national government was there inserted as much popular control as was then considered feasible, but the constitution of our own state was also democratic. Claiming to be enacted "in the name and by the authority of the good people of the state," it

provided for unlimited franchise in the cities of Albany and New York. Ours was the only state, with but one exception, which at first provided for the popular election of governor. Thus it appears that the framers of both state and national governments incorporated as much democracy as was at that time practicable. So much for the first point. Now the second: The evolution since then in both state and nation has been in the direction of more democracy when practicable. In our national government, for instance, as soon as the constitution was adopted, ten amendments were added, known as the Bill of Rights, each adding to the rights of the people which the national government was bound to respect. A little later the theory of a president chosen by a select body of electors was practically abandoned because of the growth of parties and party methods. His election since has depended upon a popular direct vote. Progress toward democracy has continued until today a majority of the states respect the popular choice for United States Senators. Soon, it seems, there will be an amendment enforcing direct election of United States Senators in every state of the Union.

In New York state, also, democracy has gone forward as in each case it became practicable. The suffrage in the greater part of the state was at first subject to property and tax qualifications. But in 1821, under DeWitt Clinton, the property qualification was removed, and in 1826 the tax qualification also disappeared, leaving universal manhood suffrage. The first constitution of our state was not submitted to the people. However, in 1821

the new constitution was ratified by the people, and since then every constitution and every constitutional amendment has been referred to the people for their sanction. Not only have the people gained control of the fundamental law, but they have also gained control of statutory law. In 1846 the legislature submitted to the electorate the question of extending the public school system. Later in 1894 the voters were given the right to act upon all important financial matters. Now, in the last decade local option has been established, giving citizens of each section the right to decide for themselves the method of treating the liquor question.

Thus, it appears that the evolution in both state and nation has been in the direction of more democracy as it gradually became more practicable. The two main objections of our fathers have been overcome. No longer is there any fear for the safety of our state. We have demonstrated that a republic can permanently endure, and we no longer need to be doubly safeguarded. Education in the United States is on the highest level. Conditions of transportation and communication have advanced to a point unbelievable in 1776. Steam and electricity have served to weld our nation into a compact whole where democratic principles may readily be applied.

So we lay down the principle, that any measure which is in the direction of more democracy and is at the same time practicable, should be adopted in this state. This is a fundamental principle of government in America—because the founders of both state and national gov-

ernments established as much democracy as was then practicable; and, because the evolution since then in both state and nation has been in the direction of more democracy, as it became practicable. Therefore, we of the affirmative maintain that the democratic commonwealth of New York should adopt any measure, the Initiative and Referendum, for instance, if it is a move in the direction of more democracy, and is today practicable.

SECOND AFFIRMATIVE, MR. F. E. MIDKIFF, '12, COLGATE

Mr. Chairman, Ladies and Gentlemen: My colleague has shown that any measure which is in the direction of more democracy, and is at the same time practicable, should be adopted in New York State. The Initiative and Referendum is a move in the direction of more democracy, because our present legislative system is not sufficiently democratic; that is, does not permit sufficient popular control in legislation, and because the Initiative and Referendum will increase the extent of popular control in legislation.

My first point: Our present legislative system is not sufficiently democratic, first because our representatives frequently do not and, indeed, cannot know the will of their constituencies. To be sure, the representative is instructed by the party platform concerning the general will and attitude of his party on general matters. Nor do we maintain that our representatives are mentally incapable, educationally unqualified, or generally unqualified mentally for their legislative duties. But we do maintain that in the present complex system of legisla-

tion many bills and questions arise concerning which nothing is said in party platforms; concerning which the press and public generally are silent; and concerning which, therefore, the representative is unable to learn the will of his constituency. Only those interested in such bills, usually a small minority because of compact organization, are able to make known their wishes to their representatives, and their clamor is frequently mistaken for the will of the whole people. The present legislative system is utterly devoid of any provision for keeping a legislator in touch with his entire constituency. But, in the second place, the present system gives abundant opportunity to the lobby and boss influence in legislation, greatly to the detriment of the general welfare. Instances are legion, but I will pause to mention but two. Recall the Allds case, where it was proved that during the years 1901 to 1905 sums of money varying from \$1,000 to \$10,000 were annually expended by the bridge companies to check unfavorable legislation, and to secure favorable legislation. Recall the insurance investigation, where the superintendent of insurance testified that \$150,000 was spent during the last six years by one insurance company to secure discrimination in insurance legislation. Even Ex-President Roosevelt expressed his belief that at least one-third of New York's representatives are subject to bribes. And Ambassador Bryce, after a thorough investigation of political conditions in the United States, covering a period of a quarter century, says. "It was hoped at the beginning of our century that the New York legislature was improving. But

any such optimistic view was dispelled when the curtain was drawn aside in 1910. There exists such a witches' Sabbath of jobbery and bribery in our New York legislature as the world has seldom seen." And Governor Hughes himself said, "It is well known that bribes are annually accepted at Albany."

The affirmative do not maintain that all legislatures or a majority of them are at all times, or most of the time, subject to bribery and corruption. We did not maintain at the start that all legislators were ignorant, or were at all times ignorant, of the people's will. But we did maintain that legislators were frequently ignorant of the popular will regarding many matters of legislation, and the present system provides no method of revealing the people's will. And now we maintain that there are frequent cases of bribery and corruption, with the result that the popular will is disregarded, and legislation is enacted in favor of selfish interests and hostile to the popular interest. And from this condition there is no escape. The people have not the instrument to free themselves from the results of their agents' acts. Because the present legislative system is devoid of any provision for informing the legislator concerning the will of his constituency on important matters of legislation; because it gives abundant opportunity for lobby and boss influence in legislation to the detriment of the people, the present system does not allow the people sufficient control in legislation and, therefore, is not sufficiently democratic.

My second point: The Initiative and Referendum

guarantees the expression of the people's will. In the first place, it secures the enactment of desirable laws, and prevents the enactment of undesirable laws. It insures that any measure, which the people have long desired, and for which there is considerable need, and for which a reasonable percentage of the people are willing to petition and support by their vote, will surely be enacted into a law. And on the other hand, if there is a measure which the interests hostile to the public interest, the corporations, if you please, have forced through the legislature by corrupt means, then the people, if they so desire, may revoke the action of their agents. But, furthermore, the Initiative and Referendum removes improper influences from the legislature. Mr. Lobingier, a prominent western jurist, lecturer on jurisprudence, and formerly a member of the Supreme Court of the Philippines, says, "As soon as the Initiative and Referendum was put in operation in Oregon, bribery and political corruption disappeared. And if either exists today, it is unknown to me." And it is utterly unreasonable to suppose that a boss or a powerful lobby will father a bill through the legislature which is hostile to the people's interests, when it is known that the people still have the power to defeat that measure. Nor will a corporation bribe legislators to enact favorable laws, when it is known that the people can and may reverse the action of the legislature. Because the Initiative and Referendum secures the enactment of desirable laws, and the suppression of undesirable laws; because it re-

moves improper influences from the legislature, it insures the expression of the popular will.

And because the present legislative system does not allow sufficient popular control in legislation, and because the Initiative and Referendum does permit greater popular control in legislation, the Initiative and Referendum is a move in the direction of more democracy.

THIRD AFFIRMATIVE, MR. S. H. CONRAD, '12, COLGATE

Mr. Chairman, Ladies and Gentlemen: Thus far in the course of the argument, we have shown you that any measure which is a move in the direction of more democracy and is at the same time practicable, should be adopted in New York State. Secondly, we have shown that the Initiative and Referendum is a move in the direction of more democracy. It remains for me to show that the Initiative and Referendum is practicable for New York State. And if we are to ask you to believe that it is practicable in this state, we must show two things, that it is workable, and that in its workings it will not destroy our present republican form of government.

The Initiative and Referendum is workable in New York State, because it has worked well in Oregon, and vital conditions are even more favorable to its success in this state. It has been tried in several other states, and has been universally successful. But it has been given its most complete trial in Oregon and, therefore, we are justified in drawing our conclusions from the experience of that state. Hon. Charles H. Lobingier, a

member of the bar of the Supreme Court and of the Philippine Commission, says of its success in Oregon, "It has been universally successful. If there are any defects in the Oregon Amendment, they are not yet apparent." Senator Bourne, of Oregon, said before the Senate of the United States, "The Initiative and Referendum has been successful in Oregon. Repeatedly did the legislature refuse to pass certain measures which, later, the people enacted for themselves. Such measures are the Direct Primaries, Tax on the Earnings of Public Service Corporations, Direct Election of United States Senators, and an adequate corrupt practices act." So much for the successful experience of Oregon, based upon the testimony of competent witnesses. But I must show you that the Initiative and Referendum would work right here in New York State.

It would, ladies and gentlemen, because conditions here are even more favorable than in Oregon. In Oregon there are seven persons to the square mile, in New York there are eleven hundred and twenty-seven. This means that in New York it is easier for the people to meet and discuss measures, that it is easier for friends or opponents of any bill to address large assemblages of the people, that it is easier for the average voter to reach the polls. The educational standard for New York is exceedingly high. Our school system is conceded to be the best in America. Of our nine millions of people, according to Commissioner Draper's last report, but five and five-tenths per cent are illiterate.

This means that in New York the people are educated

sufficiently to solve the problems which direct legislation will bring before them. Our people are already acquainted with the fundamentals of the system. Ambassador Bryce tells us that the principle of local option is essentially that of the Initiative. On the other hand, for nearly fifty years we have had the Referendum on constitutional amendments, and on certain financial measures. And our experience thus far has been most satisfactory. Notwithstanding the fact that the measures voted upon have been of little vital interest, with no educational campaign, with no determined effort to bring out the voters, with no vital issues at stake, nevertheless, nearly fifty per cent of the voters have expressed their will at the polls. This means that there is in New York State today a large proportion of the voters acquainted with the system and prepared to take their share in its working. We do not maintain that the Initiative and Referendum would at the very start be an absolute and unqualified success. The early struggles of our own Federal Government, the first dissatisfaction with the Australian ballot, and the present status of Direct Primaries prove that instant and unqualified success cannot be expected of any measure. But we do maintain that in view of the facts which have been presented, the success of the system in Oregon, the conditions in our own state more favorable to the successful operation of the system, the denser population, the high intelligence and conservative disposition of our people, we may reasonably ask you to believe that the system would be workable in New York State.

The Initiative and Referendum, in its working, would not be destructive of our present republican form of government. Says Treat Paine, of Massachusetts, "The Initiative and Referendum is not destructive of representative government, but a modification which makes it truly representative." There is a certain element of change, but let us see what this change is. The right of petition has always been a fundamental principle of our government. But today the petitions of the people are being ignored. The Initiative gives these petitions force and power. Again, upon all measures today we have the double check of executive veto and judicial interpretation. "It is not," says Senator Bourne, "destructive of representative government to impose upon these measures, also, a third check, that of the people's will." And, says the Supreme Court of Oregon, "The Initiative and Referendum does not abolish nor destroy the republican form of government, nor substitute another in its place. The representative character of the government is still retained. The people have simply reserved to themselves a larger share of legislative power." Thus the opinion of men high in public life as well as the judgment of the highest court of Oregon confirms our contention that the Initiative and Referendum would not destroy republican government.

We have shown that any measure which is a move in the direction of more democracy and is at the same time practicable should be adopted in New York State. Secondly, we have shown that the Initiative and Referendum is a move in the direction of more democracy. And

now we have shown that it is practicable in New York State, since it is workable, and since in its workings it will not destroy the republican form of our government. The conclusion inevitably follows: The Initiative and Referendum should be adopted in New York State.

*HAMILTON COLLEGE vs. COLGATE
UNIVERSITY*

FIRST NEGATIVE, MR. A. W. HUGHES, II, COLGATE

Mr. Chairman, Ladies and Gentlemen: Before entering upon my direct argument, I desire to call the attention of the audience to the burden of proof in this question, for "He who asserts must prove." Consequently, the gentlemen who assert that the Initiative and Referendum must be adopted in New York State must substantiate their statement. And since they are advocating something new to our system of government, they must make their proof doubly strong. In view of this, the negative insist that it is incumbent upon the affirmative to point out clearly two things: first, that there is a real need, and second, that their scheme is practicable. Throughout this debate, ask yourselves these two questions: "Have they shown a vital necessity for so radical a change?" "Have they pointed out a system free from any vital objections?"

It now becomes my province to show that the Initiative and Referendum is unnecessary for New York State: first, because legislative conditions are on the

whole healthy and representative of the people's will. My opponent has stated that conditions at Albany are rotten, that lobbying and bribery are the rule, that legislation is perverted in favor of special interests. I deny that such is the fact. My denial is based, not upon general unproved statements, but upon the record of our Legislature during the last few years. Let us recall some of their more important acts. In 1907 the newspapers were required to print the names of their owners upon the title page; an effective anti-pass law was enacted; the Public Utilities Commission was created as the most effective means ever devised for dealing with corporations. In 1908, our election laws were placed on a par with those of any state in the Union; a careful inspection of tuberculosis was assured; bucket-shops were all but legislated out of existence. In 1909, the laws of the state were codified; race-track gambling was made a thing of the past; blackmailing and kidnapping were subjected to heavy penalties; the powers of the Public Service Commission were extended to include the trolley lines of New York City. In 1910, an improved form of the inheritance tax was adopted; the white-slavery and child-labor laws were improved; the powers of the Public Utilities Commission were again extended to include telegraph and telephone companies; powerful trust companies were compelled to put their business upon a sound basis, open to state inspection.

This is a partial record of the more important bills passed. Such a record, according to the Review of Reviews, has resulted "In the entire nation expecting

from New York every year, some progressive and even radical legislation." Again, Charles E. Hughes had legislatures of this character in mind when he said, "I believe that we shall have more and more intelligent and unselfish representation of the people's wishes." And again, "I believe it would be difficult to point to a time in our history when a larger number of public men were striving honestly to do their duty."

In view of this record, of these statements from so high an authority, it is but fair that the affirmative should point out specific instances of biased legislation. We challenge the affirmative to point out laws passed by our legislature and signed by our governor upon which they would demand the Referendum. We challenge them to point out laws demanded and needed by the people of this state, which our legislature has failed to enact. And in their rather difficult task we give them the benefit of the statement of Professor Beard, of Columbia, an authority without a superior in this state, who said in 1910, "While the fear of the Referendum may have driven lobbyists from some state capitals, it may well be doubted whether any important measure has been secured through its use, which could not have been secured through ordinary channels."

In the second place, such imperfections as exist can be remedied without so radical a change as the Initiative and Referendum. We hope for no Utopia in this state. Even our opponents have not thus far claimed that the Initiative and Referendum will remedy all the ills of human nature. What we desire is a legislature

that will enact laws intelligently drafted for the benefit not of one section of the state, or for one particular class but for the benefit of all the people. The adoption of a radical change would be out of all proportion to our needs.

The remedy for any existing imperfections is not to put legislative powers in the hands of the people, but to select better representatives. In the words of J. B. Sanborn, lecturer in law in the University of Wisconsin, "Progress in legislative reform is to be attained not through radical changes in our legislative system, but through the selection of better men as members of our legislatures, and through improvement of our legislative methods." Professor Hyslop, of Columbia, expressed the same idea when he said, "The problem of good government is to choose an honest and intelligent man to administer it, and to give him the power to do it, when found." Through attendance at the party caucus, through a careful scrutiny of ballots at elections, and through a real interest in good government, the people can obtain good legislators, and good legislation.

In the future we may devise other improvements to give a still higher class of representatives. The Short Ballot reform is urged by such men as Woodrow Wilson, Charles E. Hughes, Professor H. J. Ford of Princeton University, and a score of other careful students of government, because it will cut down the number of men to be elected, because it will simplify our unwieldy ballot, and because it will lessen the demands upon the

voter's time and study. The same men distrust and openly oppose the Initiative and Referendum because it adds to the size of the ballot, demands from the voter added knowledge of issues as well as of men, and in the words of one student, "makes confusion worse confounded."

But whether the Short Ballot will be needed or adopted, we may feel sure that legislative reform will come through centralization of power and responsibility, and through simplification of governmental machinery; not through added complications and further divisions of the duties of government. As H. M. Campbell, a prominent lawyer of Detroit, declares, "A small part of the intelligence and vigilance on the part of the people necessary to give any efficiency whatever to a system of direct legislation would assure the election of delegates who would surely represent the people." Finally, in the words of Charles E. Hughes, "There may be those who believe that to attain the ideals of popular government, changes in our organic law are necessary. But there is no warrant for such a change until conscience and public spirit obtain from existing institutions all they are able to confer."

In conclusion, who wants the Initiative and Referendum? The press does not want it, the party platforms say nothing about it, the people are silent in regard to it. Throughout the state there is one vast silence. Apparently only the gentlemen of the affirmative find conditions so deplorable as to demand this change. While we congratulate them on the possession of such keen

perceptive powers, we maintain that in view of no need and no demand, their attitude is unwarranted.

The affirmative unfairly defined the question. The only fair definition, in view of their own indefinite statement of the question, is that which is generally accepted. Since almost without exception, both in theory and practice, the Initiative and Referendum includes constitutional as well as statutory law, they must make this conception their definition.

A heavy burden of proof rests upon the affirmative to show the need of their proposed change, and to show that it will work in New York State. As a matter of fact, their proposed scheme is unnecessary. Legislative conditions are, on the whole, healthy and representative of the people's will. A review of state legislation shows that such acts as the Public Utilities Commission Law, the Anti-Race Track Gambling Law and a score of others have been enacted with sole regard to the welfare of all. Such men as Charles E. Hughes have stated their belief that legislative conditions in New York were never better, and are likely to improve steadily. The affirmative is challenged to point out specific laws wrongly enacted or wrongly killed, which the Initiative and Referendum would remedy.

What changes, if any are to come, should be in the line of perfecting our representative system, through the selection of better representatives. A careful interest on the part of the people, aided possibly by the Short Ballot reform, will secure a better legislature and consequently better legislation. Clearly, as men like Presi-

dent Schurman of Cornell, and Ex-Governor Hughes have indicated, there is no need of a change until public spirit obtains what existing institutions are capable of conferring. Finally, there is in New York no demand for the Initiative and Referendum. Apparently the only ones who really want it are the gentlemen from Clinton, and in view of the absence of need and popular demand, we must conclude that their demand is too visionary.

SECOND NEGATIVE, MR. H. C. MILLER, '11, COLGATE

Mr. Chairman, Ladies and Gentlemen: The affirmative would require the signatures of fifteen to twenty per cent of the voters of the state to a petition. That number is absurdly large. That would make a petition (I have just been figuring it out) from three to four miles long. Is that practicable?

Yet we are dealing with a very practical question; one that vitally concerns the welfare and prosperity of a great state, and nine million of people. It is, therefore, incumbent on the gentlemen of the affirmative not only to prove beyond a reasonable doubt that the present legislative system of this state is inadequate, but also likewise to show that what they propose is in harmony with the political instincts, habits and desires of the people, that it is adapted to an industrial community of vast proportions, that it is applicable to a social organization involving great extremes of wealth and poverty. Only as it satisfies these conditions can it be called practicable.

However, aside from all this, the negative wish to

propose certain practical tests, based upon the actual working of the scheme under existing conditions, by which its practicability may be fairly gauged.

First, is the popular petition an adequate means of initiating legislation in this state?

Secondly, is the "Yes" and "No" popular vote an adequate means of passing upon legislation thus initiated?

Thirdly, would the Initiative and Referendum, if adopted, make it possible for one section of the state, geographically small, to dominate the whole?

Let us consider them in order. In the first place, the popular petition is very far from being a practicable means of initiating legislation in this state. As everybody knows, circulating a petition is about the easiest thing in the world, that goes by the name of work. Almost anyone will sign a petition that involves no responsibility and costs nothing. Why, instances have been known where the number of votes cast for the proposition was actually less than the number of names signed to the petition. But, because petitions are easy to obtain, there could be no greater fallacy than to suppose that they would arise spontaneously from the good and virtuous *en masse* and unorganized. That is all right in theory, but in practice it never works out that way. Behind a petition there is always an organization with sufficient interest at stake to induce it to expend the necessary time and money in order to go about among the voters and secure their signatures. That organization may be good or bad, but an organization there must

always be. Naturally, the stronger and better financed it is, the more successful will it be in circulating its petition. See what a splendid opportunity this would give to what our opponents are pleased to call "the interests," which, as we all know, are the very exponents of thorough organization and financial strength. Take, for example, the great railway corporations. How easy it would be for them to circulate a petition for favorable legislation among their vast army of employees on the promise that it would bring greater prosperity and, therefore, raise wages!

To quote Senator Lodge, "It would give to those who make a business of politics and seek legislation for profit an unrivaled opportunity. They would be always ready. They would shut out by dummy questions all others that they did not like, and place upon the ballot propositions artfully drawn to serve their own interests. Where organization, money and perfect readiness are all that are required, the professional with a personal, pecuniary interest at stake will outwit and defeat the amateur nine times in ten." To initiate legislation by the popular petition, then, would surely bring down upon the voters a horde of propositions, representing every conceivable interest, political, social and industrial, with the inevitable consequence of class and special legislation of the worst sort. So, their plan fails by the first test.

In the second place, the "Yes" and "No" popular vote is by no means a practicable means of passing upon legislation, thus initiated. Legislative measures are usually long and complicated, and certainly the average voter

has neither the time, means, training, nor inclination to make a detailed study of every proposition that could be presented to him. If, as the great English jurist, Austin, said, "Of even greater importance than the ethical is the technical in legislation," it is the height of absurdity to suppose that the great mass of voters can adequately consider and pass upon all sorts of long and intricate propositions relating to banking, insurance, transportation, corporations and the like where even experts disagree.

Moreover, propositions as presented usually contain many provisions, some good, some harmless, some bad. Now mark the difficulty. Under the proposed plan the proposition must be accepted or rejected just as presented, whole and entire, good, bad and indifferent, with no opportunity to debate, none to reconsider, none to strike out, none to amend. The pistol is at your head, vote yes, or no, at your peril, and that instantly and finally, and not merely upon a single proposition, but upon them by the score, and there you have the Initiative and Referendum in all its glory. The plan fails, then, by the second test.

Third, the proposed plan would make it possible for a certain section of the state, territorially small, to dominate the whole. Our present constitution wisely provides that the city of New York shall never have a majority of the legislators of the state. Under its provisions, the city now has twenty-one of fifty-one senators, and sixty out of a hundred and fifty assemblymen. In a common vote, however, the city with a population al-

ready a half million greater than all the rest of the state, and growing six times as fast, would surely inevitably decide every question by sheer force of numbers. Not only that, but one of the very first propositions submitted would undoubtedly be to amend the constitution so as to make representation proportionate to population. That would give to New York City, then, additional senators, and twenty-five or thirty more assemblymen. The rest of the state being in the minority would be absolutely powerless to prevent its going through, with the result that the city would dominate legislative action just as thoroughly as popular action.

Furthermore, these representatives being regularly Democratic and controlled by the boss of Tammany Hall would be sufficient to change this state from one politically doubtful to one subject to the curse of one party domination as in Pennsylvania. To adopt the Initiative and Referendum, then, would mean to place this state absolutely and irrevocably under the control of the all-powerful and more or less corrupt political machine of the city of New York, and we challenge our opponents to prove that this would not be the result.

In conclusion, because it fails so utterly by every test, because the popular petition is not an adequate means of initiating legislation, because the "Yes" and "No" is not an adequate means of passing upon legislation thus initiated, and because it would enable New York City to dominate the state, the negative maintain that the proposed plan is impracticable and, therefore, should not be adopted in this state.

THIRD NEGATIVE, MR. L. C. SORREL, '11, COLGATE

Mr. Chairman, Ladies and Gentlemen: The gentlemen of the affirmative have undertaken to exclude the Constitutional Initiative from the definition of this question. We have shown that the practice in all of the states which have adopted the Initiative and Referendum, with but the three exceptions which the Affirmative have mentioned, includes the Initiative upon constitutional amendments as well as upon matters of general legislation. So much for precedent. Furthermore, Dr. F. C. Howe, of Washington, D. C., Secretary of the National Progressive Republican League and an advocate of the Initiative and Referendum, in a personal letter in reply to our own asking him for his opinion as to the meaning of the terms in the proposition, stated, "I would assuredly hold that the terms Initiative and Referendum in your question should be taken to mean legislation independent of the legislature, as well as the Constitutional Initiative." So much for authority. Both precedent and authority unite in agreeing that the general usage includes the Constitutional Initiative, and, therefore, we propose to hold our opponents to that definition of this question which shall include the Constitutional Initiative.

Permit me now to resume the direct argument at the point where it was left by my colleague, the second negative speaker. The negative have shown first, that legislative conditions in New York State do not demand so radical a remedy as the Initiative and Referendum; sec-

only, the proposed remedy is not a practicable remedy. But even did conditions in New York as regards our legislatures demand a radical remedy; even were the proposed remedy practicable, it would be, nevertheless, an unwise remedy because it would introduce serious evils into our present system. If adopted, the Initiative and Referendum would be destructive of the established principles of government in New York State.

Two principles of government, fundamental in nature, are established in New York State. First, that constitutional law should be and is distinguished from other law as being more sacred, and more nearly permanent. The constitution secures to us our individual, personal liberty, and to the government its stability. But how does it do this? Well, in the first place, the constitution is made difficult to change. Any proposed change must be ratified by two separate legislatures, and then be accepted by the people; or must be accepted by a special convention, and then be accepted by the people. In either case the time required is at least two years, and thus not even the people themselves may by any sudden revolutionary act deprive us of our liberties, or the government of its stability. But the constitution secures personal liberty and governmental stability, in another way. It confers governing power upon three separate coördinate departments each acting as a check upon the other. For instance, suppose the legislature should by law infringe our right of free speech, or the executive should by force prevent us from freely and peaceably assembling here this evening; then the third department,

the judiciary, the court, would declare such acts unconstitutional, and would restore to us our rights of free speech, and free peaceable assembly. Thus, the difficulty of amending the constitution and the veto power of the court both tend to secure our personal liberty and governmental stability, and both rest upon this distinction between constitutional and other law.

In the second place, ours is a representative government. This means that the people act not directly, but indirectly through their chosen agents. And it should be representative, for it is the peculiar advantage of representative government that it permits us to select responsible agents, more experienced and wiser than ourselves, to make our laws for us. And, furthermore, representation tends to make us more secure in our personal liberty, and the government more stable. Representatives are not so susceptible to demands for change as are the people themselves. Representation lets passion cool, and allows sober, reflective judgment to prevail.

Bear in mind, then, these two fundamental principles of government established in New York State: that the constitutional law is and should be distinct from other law; that ours is and should be a representative government. The Initiative and Referendum, if adopted, would obliterate the distinction between constitutional law and other law. It would throw open the constitution to the easy process of change; each change would render the constitution less sacred and permanent, and would finally reduce it to a level with other

law. In Oregon, formerly, four years were required to change the constitution; now four months suffice. And the large number of constitutional amendments proposed as well as adopted in that state during the last few years bears eloquent testimony as regards the breakdown of constitutional law. But furthermore, it tends to weaken the veto power of the court. Consider the position of the court. Suppose, for instance, the people of this state should enact a law infringing the right of free speech. This would plainly be unconstitutional. Yet what could the court do. The law has the sanction of the people. So has the constitution. Both have an equal sanction. In fact, if either has the higher sanction it is the law, for that is the last authoritative utterance of the people. The court would have no basis for declaring the law unconstitutional, for, as Professor J. A. Smith, of Washington University, an able and ardent advocate of the Initiative and Referendum, says, "Even the judicial veto would fall into disuse, for there would be no reason for its exercise, when the people are the real source of both constitutional and ordinary legislation." Or, as Edwin Maxey, professor of jurisprudence in Nebraska University, has said, "The tendency would be to consider all laws bearing the seal of the people constitutional; hence, there would be no permanent constitution at all." But even suppose, and this supposition is highly improbable, the court would have the audacity to thwart the popular will. The people still have the Constitutional Initiative. The same power that enacts the laws may change the constitution, and will be disposed to remove

all barriers to its will, even to the extent of recalling the judges and removing from the court its veto power altogether. Because the Initiative and Referendum throws open the constitution to the easy process of change, and either weakens the veto power of the court, or destroys it altogether, it is bound to obliterate the distinction between constitutional and other law.

In the second place, the Initiative and Referendum is potentially destructive of representative government. It would substitute direct for indirect popular government, and to that extent would prove subversive of representative government. In the third place it would weaken the responsibility of the representatives. "Power and accountability go together," says Woodrow Wilson. "Destroy or weaken the one, and you destroy or weaken the other." But experience proves the tendency of the Initiative and Referendum to undermine the representative system. The gentlemen of the affirmative undoubtedly do not intend that it shall destroy the representative system, but what assurance can they give us that it will not do so? They have, indeed, said that it is intended only as a check upon the legislature, but can they show that it will go no further? Consult the experience of Oregon, where the Initiative and Referendum has been so successful, as the gentlemen of the affirmative would have you believe. The first use made by the people of Oregon of the Initiative and Referendum, was to extend the system itself to smaller localities, municipalities and counties. Then they used it to secure the recall of the executive. Last fall they used it to

make most sweeping changes in the judiciary, to the extent of removing the courts from constitutional law and allowing them to be changed by statute law. Not only were the courts thus weakened, but citizens were deprived of most fundamental private rights. In civil cases verdicts by three-fourths of a jury were permitted; the courts were prohibited from allowing retrial where there existed a shred of evidence to sustain a verdict, and the supreme court was prohibited from allowing appeals where the lower courts had committed errors. Thus the people of Oregon, who undoubtedly intended the Initiative and Referendum merely as a check upon the legislature, have used it to further extend the system, to recall the executive and to make sweeping changes in the judiciary. They have weakened the legislature, the executive, and have struck at the judiciary. But one step remains, recall the judges, as the new constitution of Arizona provides, and the representative system is gone. As W. H. Brown, former secretary of the Chicago Civic Federation, said: "In its last results the Initiative and Referendum transforms a constitutional, representative government into an unconstitutional, irresponsible democracy." Because it substitutes direct popular control for indirect popular control, because it weakens the responsibility of representatives, and because, as experience shows, tends constantly to undermine the representative system, the Initiative and Referendum is potentially destructive of representative government.

And because it is destructive potentially of represen-

tative government; and because it would obliterate the distinction between constitutional law and other law, the Initiative and Referendum would be destructive of the established fundamental principles of government in New York State.

And, therefore, because it would be destructive of the established principles of government in New York, because it is impracticable, because legislative conditions do not demand it, and because there is no popular demand for it, we are against the Initiative and Referendum for New York State.

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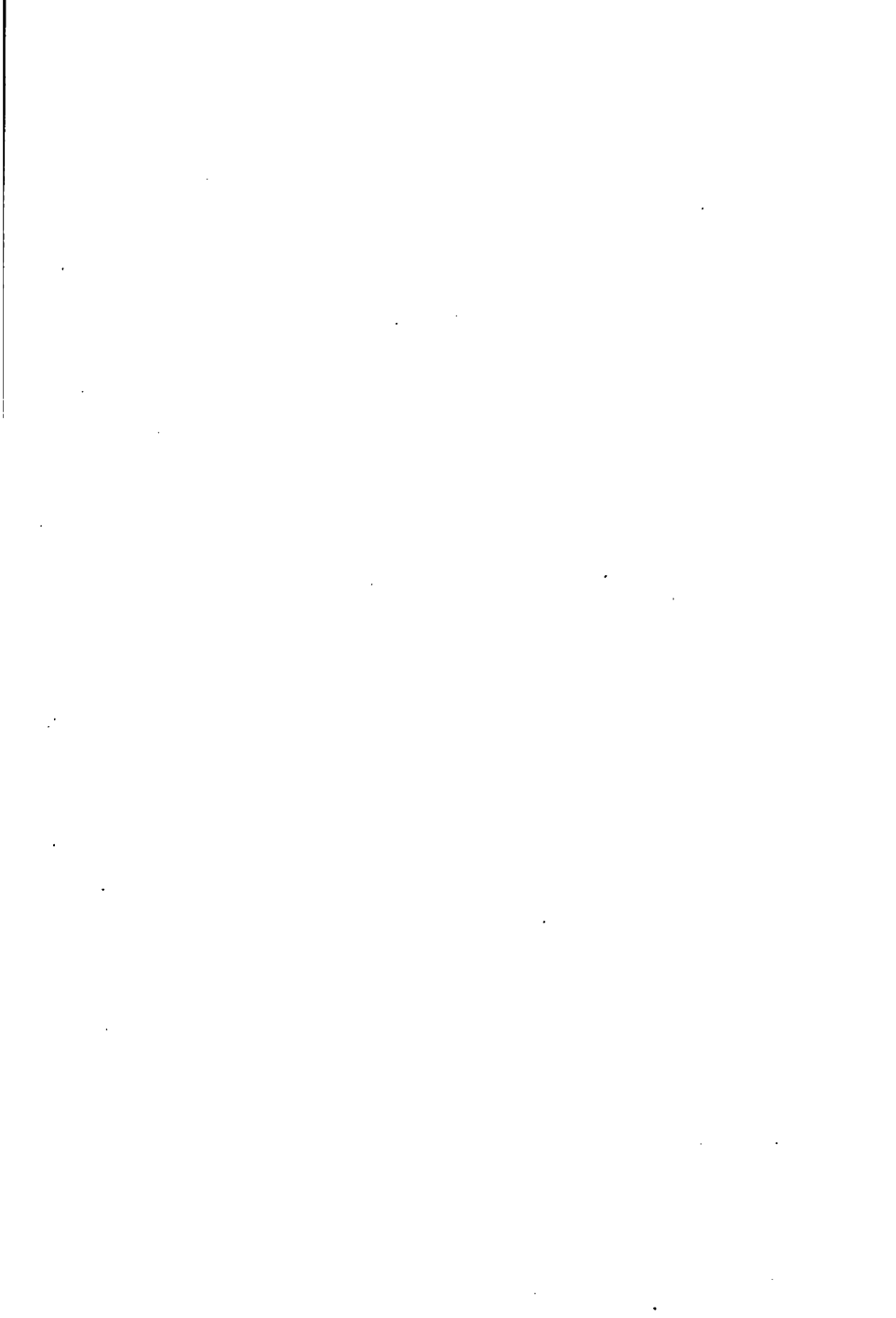
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NOTE—Letters are obtained usually by writing to the men whose views are deemed favorable or authoritative. The practice is common. Some judges give such evidence weight, others do not.—ED.



SHORT BALLOT

KANSAS UNIVERSITY vs. OKLAHOMA UNIVERSITY.

The following debate was held at Lawrence, Kansas, April 12, 1911, and resulted in a victory for the affirmative upheld by the Kansas University team. The question, "Resolved, That the Short Ballot Should Be Adopted in State, County and Municipal Elections," is a new one, and as far as the editor has been able to ascertain was not debated last year outside of the Kansas-Oklahoma-Colorado Triangular, except at Ottawa University, Kansas, where it was the subject of the annual inter-society debate. The debate was decided negatively at Ottawa, negatively at Norman, Okla., but the affirmative won again at Boulder, Colo., as the University of Colorado won both of its debates in the Triangular.

The speeches used here were contributed by Mr. John A. Shields and Mr. Leon Stith of Ottawa University.

SHORT BALLOT

KANSAS vs. OKLAHOMA.

FIRST AFFIRMATIVE, M. C. MINOR, KANSAS UNIV.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: When our governmental institutions were first moulded into form we wanted democratic government, and this was secured through the election of all officials. This system worked all right at that time. The organization of the government was not complex, the management of public affairs fairly simple, and the elective offices few enough to enable the average voter to have a fair knowledge of the men for whom he was voting. But with the growth of our country we have undergone a tremendous change. The government has become more complex, the management of public affairs more intricate, and the state obliged to take on new activities. Today the state of New York requires more officers for the administration of its affairs than the entire Union required a century ago. Under the impression that through election alone could we maintain unimpaired our democratic institutions, every newly created office has been added to the elective list. We have insisted upon democracy, and by filling the ballot with scores of names we think we are getting it. But, says Woodrow Wilson, we are not. "Successful selection," he says, "cannot pos-

sibly be made by the voters as a body. We have given the voters something so vast and complicated to do in asking them to select all the officials of government that they cannot do it. It is out of the question for them to make independent selections of their own."

Before we go further into the discussion of this question, let us clearly understand what this proposition purports to do. According to the interpretation that Oklahoma has placed on the Short Ballot, only the most important officers should be elected, and these in turn held responsible for the appointment and direction of all minor officials. According to the advocates of the Short Ballot, who are the important elective officials? In a letter directed to us, the Secretary of the Short Ballot League lays down this general principle: We should elect those officers who are policy-determining, who adopt city ordinances, who direct political policy, and those officers who merely execute policies without any share in determining them should be selected by some other method. It is clearly evident from this declaration that we are not concerned with such officials as representatives to our state legislatures, members of our common council, and county commissioners. We want it clearly understood from the outset that these officials will remain on the ballot. They are policy-determining and the Short Ballot League would emphasize their importance by making them alone elective.

It is the administrative side of our government that concerns us tonight. We shall show you in the course of our debate that administrative offices are non-political,

that their duties are expert, technical, scientific, and that it is unwise and undemocratic to elect them, and that through appointment alone is it possible to secure efficient government.

According to this principle we would remove from this ballot cast in our last general election such officers as county clerk, county surveyor, coroner, assessor, superintendent of instruction, railroad commissioner, state printer, superintendent of insurance, and state treasurer. In the city it would call for the appointment by the mayor or through civil service, of the clerk, treasurer, assessors, engineer, boards of public works, sealer of weights and measures, and other purely administrative officers now on the elective list.

This change, we believe, is necessary, because our present ballot makes impossible intelligent and discriminating voting.

This ballot contains the names of 99 candidates for 28 offices. It, however, is below the average. The ballot of the Sixth Congressional District of Chicago contained 334 names, with 64 offices to be filled. It required no evidence to prove that the voter, even of extraordinary intelligence, cannot inform himself on the merits and demerits of such a number of officials. Ex-Pres. Eliot, of Harvard, said he was not really free at the Massachusetts election. The task set him of discriminating among the candidates was so great that "his liberty was completely without value." Professor A. R. Hatton of Western Reserve University, Cleveland, said that in the election of 1908 for the 45 offices to be filled,

349 names appeared on the ballot. As a member of an executive committee of a progressive voters' organization, he had made out a data of the candidates to be voted for. Despite the fact that he had given much time and attention to the merits of the names on the ticket, yet, when he got to the polls, he had forgotten his memoranda. The result was that he made a number of mistakes. The significance of this may be summed up in his own words: "I absolutely could not remember the names of the men my organization had selected, except as to the more important places." Governor Woodrow Wilson said that he had no personal knowledge of the qualifications of half the candidates for whom he cast his ballot at the last Princeton election; and still there were only thirty names on that ballot. Yet, he contended the number was so large that he could not vote intelligently, and under such conditions to say he was taking a part in the government of that borough was an absurdity. If these men who have specialized in government cannot vote intelligently, it is ridiculous to think that the average voter in the every day walk and stir of life can do so.

But the evidence of blind, unintelligent voting is not based alone on personal declarations. The real test of a voter's intelligence is the discrimination he manifests in casting his ballot; and the real test of the Long Ballot is the consideration given to the minor officials. In states with the party emblem we find the voter holds up for candidates. But this is no test, for thousands vote the straight ticket by a single mark without consciously

giving attention to each official. In Massachusetts, where the party designation has been wiped out and the voter required to designate his choice for each office, we find that the candidates for minor offices poll considerably less than candidates for higher offices. In the election of 1908, for instance, the vote for governor was 442,000, while that for auditor was 393,000 or 88.8 per cent. In the last circuit court election of Chicago the Republican at the head of the ballot got 107,000 votes and the one at the foot 57,000. The corresponding figures for the Democrats were 104,000 and 45,000. When the candidate at the bottom of the ballot gets less than half as many votes as the candidate at the head of the ticket, can there be any question in your minds that the minor officials are not given consideration?

If men vote intelligently, why is it that position on the ballot is in many states the most valuable asset of the political office-seeker? Why is it that when candidates are listed alphabetically without any party designation, the man at the head always has the best chance of election? Shrewd politicians have even changed their names to give them priority on the ballot, for they appreciate the statement of Mr. Wilson, when he declared that in nine cases out of ten the voter marks the first name under each office, and the men who come first in alphabetical order are elected.

Not only has our elective system given birth to this blind voting, but it has necessitated the development of extra-legal organizations that could devote all their time to seeking out and selecting nominees for the innum-

able elective offices. We rail against the machines. We denounce the political bosses. But, gentlemen, conditions have made them absolutely necessary. The number of elective offices to be filled is large, so large, and the time required for the preparation of long, elaborate ballots and the successful selection of candidates so great that the people who are busied with other things cannot do it. They must leave it to the professionals. They must let these experts do the preliminary work—make the nominations. And this power to nominate virtually means to appoint. For after the candidates are put up all the voters can do is to indicate their preference for the nominees of one or the other political machine, and the appointees of the successful one are put in office. The voters have no alternative. They are compelled to elect men who are not their direct representatives, but the choicest selections of an outside organization.

If, then, the machine nominates men and appoints them to office, to whom are these elected officials responsible? To the people? By no means. But to this extra-legal organization that put them there. They will be accountable for what they do, not to the people, but to the machine. Any effort of the people to call them to account will be futile. For they are not the real heads of the government but the men back of them, men whom the people cannot reach and over whom they have no control. Our system of election simply renders the voice of the people powerless.

The establishment of progressive voters' leagues to combat the political machines is *prima facie* evidence that

our ballot is cumbersome and undemocratic. The only logical explanation for the existence of these leagues is to be found in the ever increasing difficulty of the voters to vote intelligently. We talk about popular elections; yet the conscientious voters of America are obliged to call in civic organizations to advise them in the selection of their candidates. We do not disparage the work of these progressive voters' leagues. The Long Ballot has made them necessary. They are today our only guarantee of good government. What we do object to is an elective system that makes them indispensable. What we want is a short, simplified ballot—a ballot of conspicuous candidates who will command our attention and make unnecessary the delegation of our voting privileges to outside organizations.

We want a government in which the voice of the people is heard. We want a government whose executives realize their responsibility to the people—executives over whom we can keep such an eye of supervision that they cannot move one finger against our cause without being seen and punished. We want executives whom we can hold strictly accountable to us. We want men who will give us an efficient government. And the way to get this lies not through the election of all officers, but through the election of a few. Not until the ballot is simplified can the people rule. Not until we lessen the number of elective offices can we hope to vote intelligently and secure responsible officials. Then, and not till then, will the American people have an efficient, responsible, and democratic government.

SECOND AFFIRMATIVE, W. M. HUGHES, KANSAS UNIV.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague discussed with you the Short Ballot from the standpoint of the individual voter. He traced the growth of the ballot from a comparatively short ballot of our forefathers to the stupendous ballot of today. He clearly proved to you that with the Long Ballot the voter is seriously handicapped: First, because he is unable to vote intelligently and discriminately; and second, because the elections have so completely fallen into the hands of machines and bosses.

I shall discuss this question from a somewhat different angle. The Short Ballot movement as my colleague pointed out to you, is not concerned with the policy-determining officials. The offices that we would remove from the ballot are not those who direct our political policies. The Short Ballot movement is directed against the election of officials who merely execute policies. It is the administration of our government that vitally concerns the Short Ballot advocates, and the question that I shall devote my time to is this: Under which system, the Long or Short Ballot, will we get the most efficient government? The city of Boston, according to an investigating finance committee, loses ten dollars through inefficiency to every one that it loses through corruption, and the consulting engineers found that the sum total losses through political influence on political administration during the years of 1906 and 1907 aggregate near two million dollars. Must we wonder, then, that grand

juries throughout the country are probing into the finances of our counties, that Governors Hughes and Hiram Johnson recommend a cabinet form of state government, and that our National Municipal League persistently opposes the election of administrative officials? Today the importance of efficient government is more generally recognized than at any previous time in the history of our country. The citizens are beginning to realize as never before what inefficiency really costs the community. Some of this cost is due of course to dishonest and corrupt officials, but by far the greater cost can be laid to ignorance, both on the part of the citizens and on the part of the officials. We are waking up to the fact that something more than honesty and sincerity are needed to make our administrative government what it should be, that what we need is men of trained ability who have a thorough grasp of every detail concerning their work. Furthermore, we are beginning to realize that politics exercise a bad influence over the election of minor officials. Political scientists are unanimously agreed that politics should not control the selection of administrative officials. Experience has shown that it is possible to fill minor offices on the basis of merit without the influence of political parties, but it has not shown that minor officials can be elected without the influence of politics. If we review the early formation of political parties, we shall find that they were created simply to establish harmony between the policy forming and the policy determining officials, and we will all agree that for this purpose political parties are necessary.

But why, as Woodrow Wilson says, should we permit purely clerical officials to be elected who have nothing whatever to do with the forming or determining of policies, but who serve only as a means of allowing heads of departments to be harassed and badly handicapped by greedy politicians who insist on forcing incompetent help upon them, presumably to pay off their political debts?

The fact is, a single good reason cannot be advanced why such offices as engineers and surveyors should be elective. An auditor should be accurate and honest, and there is no reason why politics should control him, for there is no such a thing as a Republican or Democratic way of auditing. Nor is there a Republican way, or a Democratic, or Prohibition way of administering the office of Register of Deeds. There surely can be no form of registering deeds that could be characterized as Republican, Democratic or Socialistic.

There are two reasons why we fail to obtain efficient government through the election of all officials: First, because we are unable to get thoroughly qualified officers; and second, because of the great lack of co-ordination and fixed responsibility. Consider what this system of selecting all officials by popular election demands of us. It demands that we be acquainted with the qualifications of candidates for administrative offices, as well as for political offices. We, as voters, can pass intelligently upon candidates to represent us on questions of policy. But when it comes to passing upon administrative candidates, whose qualifications for office are determined by their proficiency in work of a clerical or scientific nature,

then we are not competent to act. We, as average voters, cannot determine whether a candidate for attorney-general knows enough law to fit him for that office, or whether the county clerk for whom we vote is a sufficiently skilled accountant to make him an efficient and desirable officer. Upon such officers we cannot and do not vote intelligently. President Eliot of Harvard University says, "that it is unreasonable for us to expect the average voter to be sufficiently qualified to determine whether a candidate for city engineer knows enough differential calculus to be able to determine the strain on the arch of a new highway bridge."

Another very important reason why competent technical offices cannot be filled under the Long Ballot, is the fact that the best fitted men for such positions cannot be induced to enter politics. But experience has shown that they will accept appointments. The appointment of Professor Hoad of this University to the office of State Sanitary Engineer is an example. He is undoubtedly the best qualified man in the state for that position, yet he says that he would not have considered making a campaign for the position had it been elective.

The second reason why we fail to get efficiency in our administrative government is, that through the election of all officials we cannot secure co-ordination and fixed responsibility. "Efficiency," says Woodrow Wilson, "depends largely upon organization. There must be a definite head whom we can observe and control, and an organization which acts with system, intelligence and energy."

Our present system of administrative government most certainly proves the truthfulness of this statement. With the Long Ballot we have no definite head. Authority and responsibility is scattered among numerous minor and petty elected officials, and the result is a non-co-operative, a loose and ineffective government. Each and every officer that is elected considers himself the ultimate and supreme authority over his own little individual sphere of activity, regardless of those above him in importance.

To illustrate this, a sheriff in one of our states, without resistance, suffered a prisoner to be taken from him by a mob and hanged. The governor of the state wrote him a sharp letter of rebuke for his criminal negligence of duty, to which he replied in an open letter requesting the governor to mind his own business. The fact was as he had stated. He was not responsible to the governor or to any other official, but only to the voters of his neighborhood, many of whom composed the mob.

Another example, which illustrates the great lack of harmony and co-ordination where minor administrative officials are elected, is the condition that was brought about by the Chicago tax assessors. Competition between the assessors of the different districts became so bitter that each assessor began to strive to lower the taxes of his district. The result was the taxes were lowered in the different districts until the city's financial resources became seriously impaired. This is the result, gentlemen, of electing such officials. "If Chicago's financial system had had some definite authority at its head," says

Professor Merriam, the recent progressive candidate for mayor of Chicago, "a uniform tax rate would have been the result, and the elected assessors would have looked at their work not from the viewpoint of the voter, but from the standpoint of the city."

I have proved to you, Honorable Judges, that efficient administration under the Long Ballot is impossible. First, because the voters are not qualified to pass intelligently upon administrative ability. Second, because the Long Ballot causes decentralization and a lack of co-ordination in administration. The Short Ballot meets these difficulties by fixing public attention on a few who are responsible for the administration of the government.

The negative will argue that this placing of responsibility will mean machine control. The possibility of such a thing, we do not deny. What we do contend is that with the Short Ballot, machine control over the selection of minor officials would be less probable than it is with the Long Ballot.

With this concentrated responsibility there would be one man whom the people could praise or condemn for the acts of all minor officials under his control, and the retention of his office would depend upon the success of his administration. This being the situation, gentlemen, does it look logical or reasonable to assume that he would make appointments purely for political reasons? Experience does not bear out any such assumption. Observe, if you will, the cabinet appointments of our presidents, also the appointees of our governors to high positions in the state

Such conspicuous and responsible men would make their selections of minor officials with the view of strengthening and enlarging the success of their administration. But under the Long Ballot we find the political bosses manipulating political appointments for their personal ends, regardless of the welfare of the people's interests.

THIRD AFFIRMATIVE, W. T. GRIFFIN, KANSAS UNIV.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleagues have shown you that it is unsound in principle and contrary to the opinions of our ablest authorities to elect administrative officers. The final question in this debate is: "How should administrative officials be selected; how would we apply the Short Ballot in the state, county, and city?"

The negative would have you believe that our proposition is without precedent in this country, but such is not the case. It is but the extension of a principle that is well recognized in each of the divisions under discussion. In practically every city the engineer is now appointed. The same is true of the chief of police, the sealer of weights and measures, the fire commissioner, board of public works, and a score of others.

In the county we find that the health officer is appointed in 18 states, the superintendent of poor in 10 states, the superintendent of schools in 11 states, and in some other states of the Union the probate judge, coroner, clerk of court, treasurer, and surveyor is appointed.

Turning to the state the same condition is observed. In the majority of our states the commissioners of highways, labor, fish and game, agriculture, boards of control, and superintendents of public works are now appointed. Other states appoint their attorney general, treasurer, and auditor, and in Pennsylvania and New Jersey practically all administrative officers are appointed. Governor Wilson says: "The people get real control only when we make the chief, the really responsible offices elective, allow those whom we elect to appoint all minor officials and hold them strictly responsible as the superintendents of our business." Governor Hughes said in his message of January 5th, last year: "It will be found necessary to centralize executive responsibility, and in our state government to follow the analogy of the Federal Government. It would be a decided improvement, I believe, in state administration if the executive responsibility were centered in the governor who should appoint a cabinet of administrative heads accountable to him and charged with the duties now imposed on elected state officers.

And the necessity of this is plain. In this age of complexity when the state maintains its dozens of administrative departments, it becomes absurd to expect the public to control the elective administrative heads. While these remain elective there can be no helpful cooperation or adequate control. They are not subject to removal by the governor for inefficiently administering, or wrong doing, and as Woodrow Wilson says: "Public aversion will have no effect on them. Good, bad, or indifferent, they hold the office until the term expires, un-

less perchance their conduct is so opprobrious as to excite judicial investigation."

What wonder, then, that men like Governors Wilson, Johnson of California, Hadley, Vessey of South Dakota, ex-Governors Hughes and Fort, also William S U'Ren of Oregon, whose fidelity to the cause of democratic government is unquestioned, all admit the analogy of the Federal Government, and unite in urging the cabinet plan for the state. In Pennsylvania the elective minor offices have been almost invariably controlled by the Quay machine. But some years ago, the attorney general, the secretary of state, and the superintendent of education were made appointive by the governor. The improvement is undeniable. Concerning these offices, Professor Rowe, the leading political scientist of Pennsylvania University, said in a recent personal letter that the officers had been appointed on the bases of efficiency and ability, and that it would be decidedly unwise to go back to the elective plan. Thus we see that the Short Ballot principle in the state is justified by actual experience.

Now let us consider the situation in the county. Professor Fairlie, the one recognized authority on county government, says on page seventy of his "Loyal Government," "There can be no doubt that there are too many elective county offices. Their very number makes a popular election impossible in practice." Also, he states, "the voters regard almost anybody as competent for such places; hence, the officers as a rule are weak." Add to this the fact that there is seldom any provision for the

collection of information about their work by means of reports, and we cannot question Fairlie's statement on page 91 that "in the main there is no effective control over elective county administrative officers." The natural consequence is that, as Secretary Gilbertson of the Short Ballot League, says, "The instances of inefficiency in our present form of county government are so common that no one of them attracts any particular attention." At the present time in Wyandotte County in our state a special grand jury is disclosing a state of affairs in the administrative offices that is the direct result of this lack of adequate control. Auditor Crawford in a recent report shows that former Probate Judge Prather has illegally retained over \$6,000 that belonged to the county, while Will Thomas, Clerk of Court, made off with over \$8,000. Moreover, largely due to the inefficiency of former assessors and county attorneys, nearly a half million dollars in taxes have gone uncollected in the last dozen years. (Note: Based on reports of evidence before Wy. Co. Grand Jy. Spring 1911.)

Is it any wonder, then, that the citizens are demanding that their administrative officers be appointed and controlled by the county commissioners, each being absolutely responsible for certain divisions of the work as in City Commission Government? They know the plan gives improvement in the county. As Arthur Ludington, in a paper before the American Political Science Association, said recently, "There can be little doubt that coroners,¹ registers of deeds, clerks of court, county clerks, assessors, treasurers, surveyors, superintendents

of the schools and the poor, and all similar officers, now elective, should be employed and controlled by a chief executive of the county, somewhat as is done to a limited extent in Cook County, Illinois, and in Arkansas and Georgia."

Gentlemen, I have shown you how the Short Ballot is being applied and can be applied in our states, cities and counties. Our proposition tonight is one of ballot reform. Blind, unintelligent voting is the problem that we are dealing with. When a well known editor challenged the faculty of Stanford University to produce a single man who had voted intelligently for the state treasurer and none was produced, when a canvass of the most intelligent district of Brooklyn showed that only 13 per cent of the voters knew the name of one of the most conspicuous recently elected state officials, is there any question that ballot reform is imperative? What is the explanation of this situation? Is it lack of civic pride or patriotism, No. The explanation is found in the physical limitations of the voter, who finds it impossible to vote intelligently upon candidates for the minor administrative offices.

It is not the use but the abuse of the elective principle that we are opposed to. "Popular election," says Dr. Ostrogorski, "is a spring of limited size, which if not loaded beyond its capacity will work, but if overloaded simply breaks down." When we crowd the ballot with unattractive and minor candidates we destroy the voter's power to make a real choice for the office. He must rely on the indirect advice that the party supplies, and

hence the party instead of the electorate makes the actual selection. The Short Ballot goes to the root of this vice. It rids our government of the elements that confuse the people and makes it difficult for the average man to distinguish between the good and the bad public servant. It is, therefore, a means of restoring real power to the public.

In fact, the Short Ballot may be truly said to give every citizen an equal opportunity to participate intelligently in the public service according to his fitness. It is economical because it brings into office competent persons who work for wages and are not required to spend half of the government's time hustling for votes. It is scientific because it develops specialists in every department of the administration; and it is popular government, for as Woodrow Wilson says, the most efficient government is the most democratic.

FIRST NEGATIVE, J. L. HIGHSAW, OKLAHOMA UNIV.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The issue in this debate is whether popular government, with general welfare its vitalizing force, shall be kept intact and in its keeping shall save and develop this nation, or whether such a government shall be supplanted by one which substitutes for the popular elective principle, a centralized appointive system. As the editor of the Independent, December, 1909, says: "If the Short Ballot were described only in more strictly accurate language as a substitution of appointment for election it would undoubtedly be met by storms of protest.

and might be defeated altogether." Hence, by the undoubted weight of authority the term Short Ballot is synonymous with appointive government; in its last analysis it means a centralized appointive system. We of the negative contend that such a system is dangerous to the perpetuity and welfare of the republic; and hence that the Short Ballot should not be adopted for use in municipal, county and state elections, because—

1. It defeats the aims of democracy.
2. It results in the building of political machines, thus defeating the object for which it is intended.
3. It has been given a fair trial and has failed.

I shall show you that the Short Ballot defeats the aims of democracy. It does this, first, by relieving the people of responsibility which under our form of government, they are bound in duty to assume. The state exists in order that the citizens may more nearly realize the ideal of developing themselves, and the aim of democracy is the improvement in the most practical way of the highest and best powers of the citizens: namely, the power to think deliberately, to act coolly, and to discriminate closely between men and measures. The people are capable of assuming all these powers. They are capable of assuming the responsibility for government, and they know what they want in governmental affairs. Upon the strength of these propositions the American Nation was founded. They are either right or they are wrong. If they are right, then the people cannot be given too much power to run their own government; if they are wrong, then this republic is the mightiest blunder

of all the ages, American democracy is a failure, and the political philosophy of our fathers is a farce and a fallacy.

But the history of all the ages tells us that these propositions are right. The broken arches and crumbling temples, monuments over the wreck and ruin of nations which failed to develop and which lost the institution of self-government tell us they are right. Recent scenes of corruption, bribery, debauchery and misrule growing out of the appointive system tell us they are right. Our own political experiences tell us they are right. The failure of appointive government in New Jersey, designated by its Secretary of State as a Short Ballot state, by Dr. Ripley of Harvard, as a charter bartering state, and by Professor Moody as a trust-ridden state—the home of the two giant octopuses, the Standard Oil and the United States Steel; these alone tell us in unmistakable terms that they are right. The success of direct popular government in Oregon and Kansas tells us they are right. The wave of insurgency led by LaFollette, Murdoch, Bristow, Chamberlain and Bourne, statesmen of knightly honor, as true to the people's interests as the compass to the pole—these tell us they are right. The laws of sociological, political development tell us they are right. These tell us that before a people can assume responsibility they must be trained in the exercise of responsibility.

Then, if it is the inevitable trend of history, the logic of events, that the people are to assume more and more responsibility, and that they must be trained in the ex-

ercise of responsibility, what better training in the duties of citizenship can one receive than in the cool, intelligent, deliberate thinking that is required in the casting of a free, untrammelled American ballot? Give the people responsibility, and their own sense of patriotism will appreciate it. It is only under such a system that men may grow to the full height and to the full splendor of citizenship in a great and grand republic. How do you expect to train the citizens in the exercise of responsibility by an appointive system which brings a reign of apathy, indifference, political machines, bosses and a train of other evils? People come to appreciate responsibility by assuming and by exercising it. They learn to do by doing.

Secondly: The Short Ballot defeats the aims of democracy by destroying the educative features of the elective system.

Concentration of political power in the hands of a few means a restriction of the political vision of the many. Full suffrage means a thorough-going acquaintance and discussion of political problems and issues however insignificant, and by the natural evolution of instruction in local government fits the citizen for the larger and more important duties of state and national citizenship. As Dr. Cooley, Professor of Sociology in the University of Michigan, says in his book on Social Organization, page 146: "Popular suffrage is simple, educative, and is, indeed, a training in judgment and self-control," and just as a fireman is at home on trembling ladders amid choking fumes, so the free citizen learns to keep his head amid contending passions and conflict-

ing opinions. Having passed safely through many disturbances, he has acquired a confidence in cool judgment and in the underlying stability of things impossible to men, who, living under restricted suffrage, have had no such education.

Again says Dr. Cooley in "Social Organization," page 145, "I was born and have lived nearly all my life in the shadow of an institution of higher learning, the State University of Michigan, supported out of the taxes of a democratic state and governed by a board elected directly by the people. As a result the institution has steadily won its favor in open discussion, and the university is now far larger, higher in its standards, better supported, and more firmly established in popular approval than ever before. What more exacting test of the power of democracy to provide efficiency and to pursue and to effect high and noble ideals could there well be than this?"

By the fruit of a tree ye shall know it. Michigan through the exercise of the free elective system, going to the extent of even electing the board of regents of her state university, has trained her citizenship to think deliberately, to act coolly, and to discriminate closely between men and measures. Governor Osborn says, "As a general thing the citizens of Michigan are alert, intelligent, and discriminating, and the appointive system when used has been bad and indifferent."

Again to illustrate, let us see what the untrammelled will of the people can accomplish under the free elective system. Let us consider the example of Oregon. This

state, through the exercise of the free elective system, has trained her citizenship to be self-governing and self-directing. As Frederick C. Howe, a distinguished authority upon government in Oregon, said in Hampton's Magazine of April, 1911, page 467, "A new dignity has come to citizenship, as well as a training in politics, in law and in public questions. Oregon has made the whole state a university in civics, a university of the most practical kind."

Oregon educates her citizens by the elective system in this way. Prior to the primaries the state distributes to every voter a neatly printed pamphlet setting forth the platform and promises of each candidate; a similar pamphlet is distributed before the regular election. The cost is paid by candidates at a fixed price per page; by this means the poorest candidate can reach his constituents at a minimum cost. What are the educational results of campaigns of this kind?

For weeks the state is turned into a university, where every gathering of men is a class room, and every voter is a student. The whole community is being trained to a knowledge of politics. The vote has been intelligent and discriminating to such an extent that a Democratic governor and a Democratic senator were elected in a Republican state because they were men of high efficiency, sterling character, and of undoubted honesty and integrity.

But the greatest and the most far reaching result, as Senator Bourne said, "Is the training and the bringing of experts into the public service." The system has given

Oregon a splendid administration in the hands of able and competent men. As Senator Bourne further says, "The elective system provides a limitless field for individual development, and the highest individual development acts as a magnet drawing the general electorate to the same plane."

George H. Haynes, a Short Ballot advocate, in writing of Oregon in the *Political Science Quarterly* for March, 1911, page 62, conceded the educational value of the elective system. He said, "Critics may deride the Oregon system, but this much the most conservative of them must concede. In Oregon the state is not shriveling up. No man has been able to read his title clear to office in the state or at Washington by merely subscribing to the creed of some leader in one of the national parties. He has had to face the question: What do you stand for?"

"With keen interest the voters have been grappling with the problems political, industrial, financial, and educational, within their own state. A genuine campaign of education has been in progress which cannot fail to produce important and enlightening results."

Thus, by means of the full ballot, Michigan and Oregon are today best representative of American democracy; these with the progressive states of Missouri, Kansas, Oklahoma, and a score of others are the products of the elective system, while stale, trust-ridden, charter bartering New Jersey is the product of the Short Ballot. Here, Honorable Judges, is a striking contrast.

Local government embodies this educative principle to

a greater extent even than does the state government. Local government is the ideal school of citizenship; yet, the affirmative propose to eliminate from local government the very feature which constitutes its educative value. For example, they propose to have all the minor county officials appointed by some executive who shall do for the voters, the thinking and acting which they should do and are now doing for themselves. These county officials, both the minor and the more important ones, presiding over that government which is nearest and dearest to the hearts of the people, are of more vital interest to the voters than these state officials further removed from their experience. To illustrate, here in Douglas county, according to the statement of your county clerk, I find that the successful candidate for probate judge received 325 more votes than your successful candidate for governor; your county superintendent, 175 more votes than your state superintendent; your county clerk 81 more votes than your secretary of state. The total of all the votes cast for five of your leading state officials in Douglas county was 19,630, whereas the total for the five leading county officials was 20,737, or 1107 more for your five leading county officials than for your five leading state officials. This principle is substantiated by the election returns of your surrounding counties; for example, in Shawnee county the entire county ticket led the state ticket all the way from 200 to 1500 votes. Even the successful candidate for coroner received 840 more votes than the candidate who carried the county for governor.

Mr. Charles A. Baird, whom the gentlemen of the affirmative quote as authority, in the "Ballot's Burden," page 612, says: "It is not certain that the application of a Short Ballot principle to the county government is requisite or even desirable and it will hardly be necessary to overturn a system which has so long existed unchallenged." But, gentlemen of the affirmative, you must prove not only that this radical change would be better for the municipality, but you must establish your case for the state and county as well. A centralized appointive power is the keynote of your scheme.

But what do these facts I have given you for county government mean? They mean simply that the people show their greatest interest in, and consequently derive their greatest education from the government that is closest to them. The Short Ballot, therefore, by means of the appointive system will destroy their greatest interest, and their greatest educative opportunity; and, when you have destroyed these, you have removed the foundation stone upon which our government rests.

Honorable Judges, I have shown you by the undoubted weight of authority that the Short Ballot in its last analysis means a centralized appointive system, that such a system is dangerous to the perpetuity and welfare of the nation, because it defeats the aims and purposes of democracy by relieving the people of responsibility and by destroying the educative features of the elective system.

Now, gentlemen of the affirmative, you have been indefinite; you have not told us what officers you propose

to elect, and what ones you propose to appoint; hence, we ask you to answer these questions:

1. What officials do you propose to elect and what ones do you propose to appoint?
2. Do you propose to make the judiciary appointive or elective?
3. You say that commission government is the Short Ballot system. Then do you propose to extend this system to the state?

SECOND NEGATIVE, M. O. ELLIS, OKLAHOMA UNIV.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The greatest danger that can come to any government is the over-centralization of power. In monarchies, this has led to civil and military domination, and in republics, it leads to political control. This fact is borne out, not only by the experiences within our own republic, but in other nations where it has been tried, to some extent, in the form of the appointive system. And here, it is this that has ever been the stronghold of the favored few, the fortress of those who profit from bad government.

We of the negative believe that the highest type of government has been reached in our elective system. We regard the Short Ballot as a return to a centralized arrangement which the history of the world has proved to be unsafe, and that, compared to its dangers, the few objections which may be urged against our elective system are scarcely worthy of consideration.

The gentleman who just left the floor laid down one

of the main foundation stones upon which the affirmative bases its argument; namely, that the Long Ballot has caused the building of political machines, resulting in corruption, and that the Short Ballot will cure this evil.

Viewed from the standpoint of practical politics, I shall contend that in this respect, the Short Ballot will not accomplish, but, on the contrary, help to defeat the object for which it is intended. Let us see why this statement is true.

Under the Short Ballot, the few elective offices would, of course, become more important and the struggle to secure them would become more stringent. In order for a man to reach one of these offices, his candidacy would have to be kept constantly before the people. This would make it necessary for him to have a large number of supporters and political henchmen. To secure these and to intrench himself in as many localities as possible, it would be only natural for the eager candidate to make many promises, contingent upon his election. Then, if he were successful in reaching the office to which he aspired, he would be obliged to carry out his promises or endanger his political position.

Under such conditions, instead of over-throwing the unscrupulous politician and the conscienceless demagogue, as the affirmative seems to hope, we should give them more open opportunities to show their hand, and a better chance to influence politics. We should call into existence a multitude of political strikers, and stimulate them to the most vigorous activity.

Nor can we assume that the elected official would appoint those of his supporters who are best fitted to fill the places. Instead, he would naturally appoint those whose actions he could absolutely dictate and control. And he would give the choice offices to men with the greatest wealth, or political influence, so that he could number a strong element in his political force, and in order that in the next campaign he could have wealth for his campaign fund, and influential men for his supporters.

When he had so made use of his appointive power, and had thus hedged himself about, he could take ever so untimely an official action, he could disregard his duties as a public official ever so much, he could graft as much as he pleased, and still not endanger himself in a political way; for, in succeeding campaigns he would have an army of men to defend him, and an ocean of money with which to advertise.

Compared to the political machine that would thus be built up, our present much-hated "boss" is but a myth. And machine politics always means inefficiency, lack of confidence, and graft in unlimited amounts.

Now, Honorable Judges, the adage is true as it is old, that an ounce of evidence is worth a pound of theory. With this in mind, let me call your attention to a few incidents in connection with the operation of the appointive system where it is being tried, and which will show you that the objections I have urged are not merely theoretical, but are based upon fact and experience. These facts and experiences we are willing to stand

against the unsupported theories of the affirmative. Gentlemen of the affirmative, you have denied that experience is against the Short Ballot, let us now investigate the facts.

In a constitutional convention in Kentucky, in 1890, it was openly charged, and never refuted, that even the judges of the supreme court of that state, who were themselves appointive, played politics in the matter of the appointments in their hands, and in the selection of their chief.

In 1902, when the new mayor of Philadelphia was inaugurated, he proceeded at once to remove practically all the appointive officials, many of whose characters were unimpeachable, and the honor of whose service to the public was far above criticism. Why did he remove these men? Do you think for one moment that he was actuated from motives of public good? Not by any means. He had simply promised these places to his own supporters; and the old men would not promise him aid in future political contests; he saw an opportunity to build up a gigantic political machine, and did it at the expense of efficiency and good government. Again, it is a fact of common knowledge that in New York City, in 1857, Fernando Wood, who was then mayor, literally sold the appointive office of street commissioner to Charles Delvin, for the sum of \$50,000; and that, after half that amount was paid, he kept Mr. Downs out of the appointive office of city examiner which he had sold him for \$20,000 and presumably sold to some one else for another \$20,000.

On pages 569 and 570 of his "Readings," Mr. Beard tells us that in an investigation in New York City, in 1899, after a famous Tammany victory there, Mr. Croker, then leader of the Tammany Democracy, admitted that eleven of the most important appointive offices of the city were filled by the sachems of Tammany Hall, and that in filling these places, Tammany had "looked directly to the practical question of sustaining the strength of its organization."

In 1868, when the "Tweed Ring" secured control of New York City's government, they managed to place the handling of the city's funds in the hands of a committee called the "Board of Special Audit," consisting of the mayor and two members appointed by him. Working through this appointive organization, Tweed and Tammany succeeded in robbing the city treasury of more than \$100,000,000.

If these were exceptional cases, they would not be so important, but they have a multitude of companions. In fact, we never inaugurate a new administration in city, county, state, or nation, but that practically all the appointive offices, from the minor clerkships to the highest appointive ones, are made vacant and refilled by the supporters and friends of the administration, and by men who can be depended on to furnish money and influence toward keeping that administration in power.

In the state, county, and municipality, where the appointees are of greater importance in a political contest, the change is more complete and better calculated than in the Federal Government. And it is unfortunate

as it is true that in all these latter places, important offices are sometimes literally auctioned off to the highest bidder. As another example of the results of indirect selection, let us now turn our attention for a moment to the election of United States Senators. In recent years, so much corruption has been unearthed in this connection that it is hardly worth while for me to mention any particular cases. The Lorimer case, the Guggenheim case, and many others, are all conclusive proof that "log-rolling" and bribery are dominant factors in selection by appointment and indirect selection.

The affirmative may contend that our present method of electing senators does not embody the principles of the Short Ballot, inasmuch as it does not make it possible to fix responsibility; but the fact remains that in every state legislature in this Union, when it comes to electing United States Senators, the vote of every representative and state senator is registered. The constituents and political enemies of each need only to go to the journal of the house of which he is a member to find out for whom he cast his ballot. Each representative and senator is as personally responsible if a bad man is selected for the United States Senate by his vote, as the President of the United States would be in selecting a bad man for a member of his cabinet.

Now, ladies and gentlemen, this is the story of the appointive system: Bribery and corruption in the cities, corruption and political machines in the county and state, and bribery and "log-rolling" in the state legislatures, giving us United States Senators whose record and

whose conduct are the nation's greatest shame. This story cannot be denied.

With this record for their system staring them in the face, I am at a loss to know how the champions of the Affirmative can expect the people of our good country to embrace and accept their proposal. The watchword of the Short Ballot advocate is "efficiency;" the real meaning is "corruption." Honorable judges, it is literally true that the corporations, the special interests, the great enemies of good government, prefer the appointive system to the elective system. I have a letter here from the Hon. William H. Murray, president of the Constitutional Convention of Oklahoma, in which he says the corporation attorneys who were members of that convention sought to make the corporation commission of the state appointive instead of elective.

This seems to have been the rule in other states as well. Professor Hunt, of the University of California, says that in the matter of appointment in his state, he fears that the "Big Financial Interests" have always been consulted.

It was a Short Ballot, an appointive system, which enabled Joseph G. Cannon to dominate Congress, and to dictate legislation for so many years in behalf of the favored few. In the retention of this power, he was upheld by the corporations, the special interests, and their representatives in Congress, against the combined attacks of the progressive democrats and our heroic western insurgents.

Now, gentlemen, a system can well be measured by its

results. The affirmative has so far failed to show that the results of our elective system are bad. Even assuming, for the sake of argument, that we have blind voting, and that it is responsible for various troubles, if they cannot make out the charge of inefficiency or dishonesty against our minor officials, we submit it is not advisable to change.

After all, the evils complained of by the affirmative are mere matters of detail, and do not represent any deep-seated derangement. And they are gradually being abolished by plans that are not reactionary. The direct primary in many states, including Oregon, Oklahoma and Kansas, is making it easily possible for the people to select the proper men in spite of the political boss. The extension of the recall will enable them to dictate the policies of their officers. Oregon has a system of educating the voters the extension of which would completely eliminate blind voting, were that evil to exist. Chas. A. Beard, a radical Short Ballot advocate, indicates that these reforms, together with a separation of the county and state elections, would accomplish the desired results.

It has been shown that the Short Ballot is dangerous. When the desired results can be obtained by popular government, why return to the appointive system, as the affirmative proposes.

The proposed scheme is reactionary. My colleague has shown you that it will defeat the aims of democracy, first, by relieving the people of responsibility, second, by destroying the educative features of the campaign. I

have shown you that it will cause the bartering of offices in return for money and political support.

The Direct Primary, the Recall, and the Oregon educative plan, are gradually eliminating all our ills. Add these to our free elective system and we shall secure good government, perpetuated by and for the people.

THIRD NEGATIVE, L. L. WILLIAMSON, OKLAHOMA UNIV.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The negative now proposes to prove that the Short Ballot has been given a fair trial and has failed.

I have examined the different constitutions that have been in force in every state in the union and have found that the majority of states existing prior to 1870, at some time in their history, used a decidedly Short Ballot. By way of illustration: Pennsylvania in her constitution of 1790 provided for the election on the state ticket of the governor only, all of the other state officers, including the judiciary, being appointed by the governor. The same provision was made in the revised constitution of 1838, and not until 1873 was this short ballot entirely supplanted by the elective system. The constitution of Michigan in 1835 provided for the election of governor and lieutenant governor only. The governor then appointed the secretary of state, the attorney general, auditor, state superintendent of public instruction and judges of the supreme court. This arrangement was so entirely unsatisfactory that in 1850 it was supplanted by the elective system. Florida in her constitution of 1868 provided for the election of governor and lieutenant

governor. The governor then appointed all of the other officers including the attorney general, secretary of state, controller, treasurer, surveyor, state superintendent of public instruction, adjutant general, commissioner of immigration, officers of the state militia, and the entire judiciary. This system failed completely, and the offices were made elective. A study of the other constitutions reveals the existence of a similar system in many of the states including New York, Louisiana, Missouri, New Jersey, and a great number of others. After giving the Short Ballot a fair trial, practically all of these states have abandoned it. At present there is only one Short Ballot state, New Jersey, and that state, according to the argument of our opponents, ought to have a model government free from corruption. Facts indicate that the reverse is true, for New Jersey is known all over the United States as the home of the trusts. Moody in his book, "The Truth About the Trust," page 486, says: "Of the 236 trusts organized since 1898, 170, or about three-fourths, went to New Jersey to incorporate."

The Short Ballot then has been given a fair trial and has been discarded. To find the reason for its failure we have only to read the debates in the conventions called for revising the constitutions of the various states where the system has been tried. Listen—in the constitutional convention of 1838 in which Pennsylvania was discussing the advisability of abandoning the Short Ballot, Mr. Sergeant, President of the convention, said: "Many of the governor's appointees to office are selected as a reward for campaign services and are not only illiterate but

are so totally unqualified for their positions that it is a common practice for them to hire deputies to perform their duties for them while they devote themselves to building up a political machine." This statement may be found in the debates of the Pennsylvania constitutional convention, Vol. 2, page 312. The same volume is full of similar statements, which show conclusively why Pennsylvania was compelled to abandon the Short Ballot and to substitute the elective system.

The Short Ballot led to the same condition of affairs in the other states. Mr. Patterson, a delegate upon the floor of the constitutional convention of 1846 in which New York discarded the Short Ballot, said: "The officers of state and county are not appointed by the governor and senate as the constitution provides, but in reality are appointed by a political machine." Mr. Bascom, another delegate in the same convention said: "The present method of appointment by the governor and senate has received too popular condemnation and has been attended with such results as not to justify its continuance." According to the Lancaster Journal published in 1894, two families in New York monopolized sixteen of the state and federal offices for which they drew \$60,500 annually. You see under the Short Ballot system they believe in making government a sort of family affair. These are the reasons why New York was compelled to write a new constitution in which many of the appointive offices were made elective. If my time would permit I could stand here for the next two hours and quote passage after passage to show that this Short Ballot pro-

duced such a state of intolerable corruption that the people were compelled to abandon it.

Now, Honorable Judges, the different states of this Union have given the Short Ballot a fair trial extending over a period from 1790 to about 1870 and they have branded it as a failure. The reason for its failure was the abuse of the appointive power. My colleague who preceded me emphasized the fact that the tendency to use the appointive power for selfish ends still exists. Commercialism and industrial greed, as represented by the great corporation, have concentrated their efforts in an attempt to control the men who distribute the patronage. This makes the man who controls the greatest number of appointive offices worth the most money. If the Short Ballot failed before the corporations entered politics its failure would be more marked under present conditions. Practically every political appointment that is made today is made on the basis of party loyalty and as a reward for campaign services. Gentlemen, you know that is true, and yet you propose to extend this appointive system to still more important offices. Now since the Short Ballot has been given a fair trial and has failed, since the obstacle that caused its failure is unmistakable, and since that obstacle still exists, is it possible that the re-adoption of this system would be a safe and sane policy?

Thus far I have called your attention only to the failure of the Short Ballot in state governments. Let us see what it has done in the cities. The affirmative have said that to elect the principal officers only and confer

upon them the power to appoint the minor officials will produce good government. With that analogy clearly in mind I want to direct your attention to the city of Pittsburg, Pennsylvania. I have here a 1907 publication of the League of American Municipalities of which ex-Mayor Dunne of Chicago is President. On page 38 we find this description of Pittsburg's form of government: "The present government of Pittsburg is vested in a mayor and council. The mayor appoints the treasurer and the directors of the departments of public works, public safety, charities, law, and fire, and police magistrates. The elective officials are George W. Guthrie, Mayor, John B. Larkin, Controller." Pittsburg, then, aside from her council which is elected by the ward system and does not unnecessarily burden the voter, elects two administrative officers who appoint the minor officials. What has been the result of Pittsburg's system? A little over a year ago 116 of her officials and prominent citizens were indicted for bribery. Practically the same thing happened ten years ago. All over the United States the name of Pittsburg has become synonymous with bribery, graft and corruption. A prominent pastor in Pittsburg told me personally that Pittsburg in the last 25 years had elected only one decent mayor, and he believed that if facts could be proved that a number of the ex-mayors would be looking from behind the bars of the penitentiary. According to the investigating committee which reported last week, there are at present men in the mayor's cabinet who are under indictment for corrupt practices; and yet the mayor permits these

men to participate in the government of the city. These are the results of a centralized appointive system, according to the analogy of our opponents, the system of Short Ballot.

The negative has proved: First, that the Short Ballot will defeat the aims of democracy. The chief aim of a democratic government is to produce an interested, intelligent, educated body of self-governing citizens. The Short Ballot will defeat this aim; first, by relieving the people of responsibility, and thereby in time lessening their ability to participate in government. Neglected responsibility spells atrophy. The Short Ballot will defeat the aims of democracy in the second place by removing the educative features of the elective system. Under our present system the candidate for county superintendent goes into the voter's home and into the streets of his village and discusses the school affairs of the county. The candidate for commissioner of charities goes over the state and discusses the best method of caring for the blind, the deaf, the insane and other unfortunates. These educative features would be lost under the Short Ballot and soon the people would be ignorant of the duties of the minor officials.

The negative has proved, second, that the Short Ballot will aid in the building of political machines. The power to distribute patronage is the only thing that makes the machine possible, hence the increase of patronage means the growth of the machine.

The negative has proved, third, that the Short Ballot has been given a fair trial and has failed. We have

shown you the reason why it failed, and that the obstacle that caused its failure still exists increased many fold. Would it be policy to re-adopt a system that the American people have found entirely unsuited to our form of government and have been compelled to discard? Our friends of the affirmative are advocating a system that will defeat the aims of democracy; a system that will result in the building of gigantic political machines; a system that has been tried and has proved an absolute failure. In the face of this evidence can we as American citizens consent to the adoption of the Short Ballot in our municipal, county, and state elections?

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THE RECALL OF JUDGES

Cotner College vs. $\left\{ \begin{array}{l} \text{Bellevue and Doane Colleges, Nebraska,} \\ \text{and} \\ \text{Canton College, Missouri.} \end{array} \right.$

The Recall of Judges, debated in a large number of the colleges and universities during the school year 1911-12, proved to be a rather one-sided proposition, the affirmative debaters in most cases failing to establish their contentions in the mind of the average judge. Both the affirmative and negative of the debate given here were successful. In the triangular composed of Bellevue, Cotner, and Doane Colleges, Nebraska, Cotner won on the affirmative at home (Bethany) by a vote of two to one, and on the negative from Doane at Doane unanimously. The debates were held on the same evening, March 14, 1912. In a previous debate with Canton Christian College, Canton, Missouri, the Cotner negative team also won unanimously, making in all eight judges out of nine for the Cotner speeches — six of which were for the negative.

The question was stated as follows:

Resolved, That all judges other than federal should be subject to the recall.

The speeches, together with the outline and bibliography, were contributed by Rev. H. O. Pritchard, Pastor of the Christian Church at Bethany, Nebraska, and Coach of the Cotner teams.

THE RECALL OF JUDGES

OUTLINE OF THE AFFIRMATIVE

INTRODUCTION

1. The question stated.
2. The statement of the principle involved.
3. Explanation of the Recall and its method of operation.

DISCUSSION

I. The Recall is NEEDED — present evils demand a remedy.

1. Needed to correct the corruption of the courts.
 - A. The courts usually favor corporations.
 - B. The poor man has not an equal chance with the rich man.
2. Needed to correct usurpation of power by the courts.
 - A. The courts declare laws unconstitutional.
 - B. The courts delay litigation.

II. The Recall is JUST.

1. It is just to the judge.
 - A. The power which elects is the power which should remove.
 - B. It gives the judge an opportunity for vindication.
2. It is just to the people.
 - A. The people are sovereign.
 - B. The judge owes his office to the people.

III. The Recall is PRACTICAL.

1. It will remedy existing evils.
 - A. By its potential value.
 - B. By the rule of majorities.
2. It has been successful.
 - A. In England and Switzerland.
 - B. In Oregon and California.

RECAPITULATION.

THE RECALL OF JUDGES

OUTLINE OF THE NEGATIVE

INTRODUCTION

1. The question stated.
2. The Recall defined.
3. The affirmative's burden of proof.

DISCUSSION.

I. The Recall is IMPRACTICAL.

1. It will not remedy existing evils.
 - A. Present evils due to elective system.
 - B. Present evils due to cumbersome method of litigation.
2. It has not worked where tried.
 - A. As applied to administrative offices.
 - B. As applied to executive offices.

II. The Recall is UNJUST.

1. It is unjust to the judge.
 - A. It strikes at the fundamental purpose of his office.
 - B. It does not provide for him a fair trial.
2. It is unjust to the people.
 - A. It substitutes mob rule for law.
 - B. It disregards the rights of the minority.

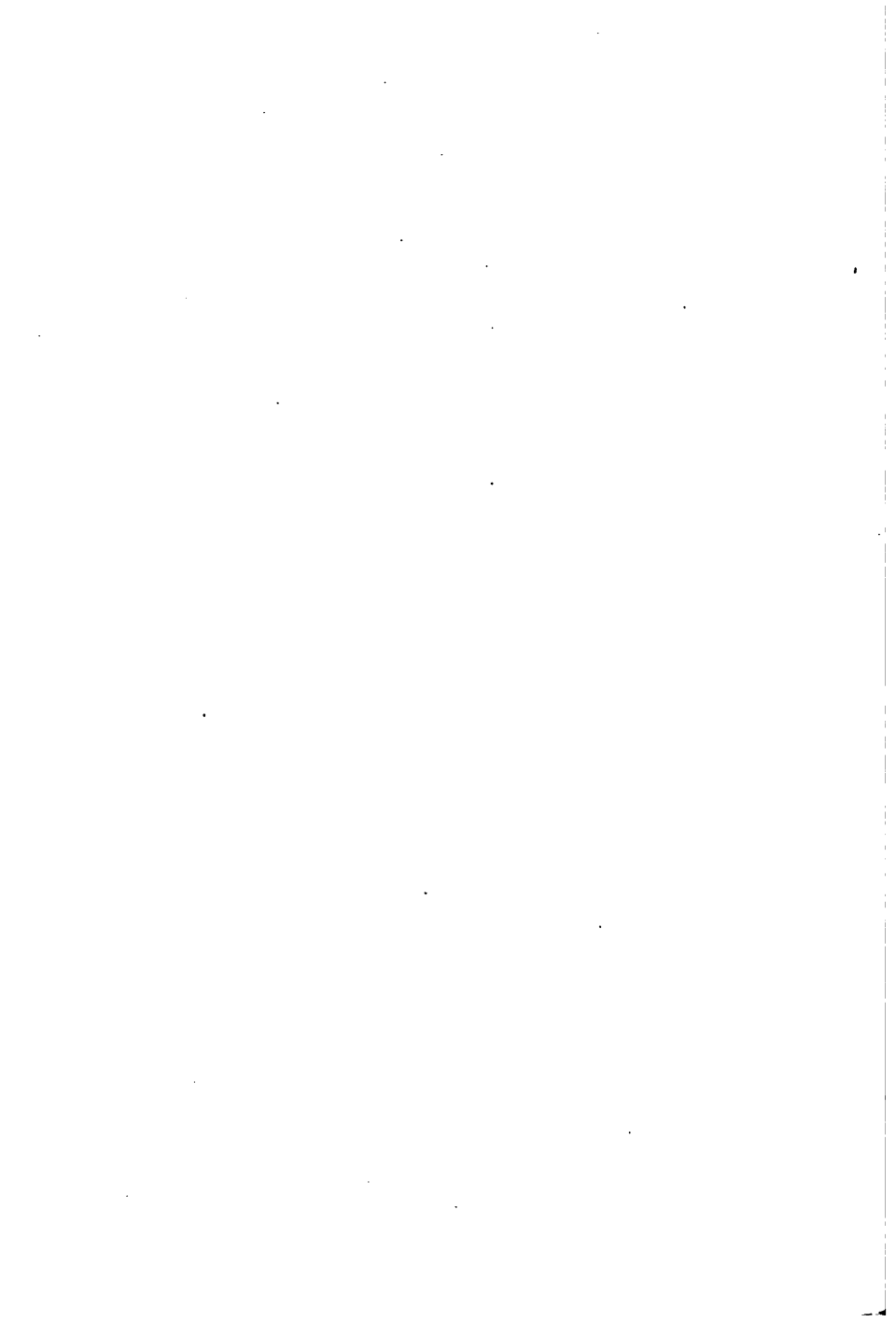
III. The Recall is UNSAFE.

1. It will develop an inefficient judiciary.
 - A. By dividing the attention and time of the judge.
 - B. By reducing the desirability of the office.
2. It will make the judge a dependent.
 - A. The judge must be independent.
 - B. Examples of its dangerous use.

IV. The substitute remedy.

1. Revise present methods of legal procedure.
2. Adopt the Massachusetts system in all the states.

RECAPITULATION.



THE RECALL OF JUDGES

COTNER COLLEGE vs. BELLEVUE COLLEGE

FIRST AFFIRMATIVE, EARL N. GRIGGS, '13, COTNER

THE question that we have for consideration to-night is one that has lately been brought into prominence by the veto of the Arizona Statehood bill by President Taft. Prior to this Arizona discussion the question had been little discussed, except in the states of Oregon and California, which have recently revised their constitutions so as to make the recall constitutional. It is a singular fact that the policies involving the science of government are seldom agitated, because of the reverence of the people for their written constitutions. Governmental policies are seldom placed in favorable circumstances for agitation, and there is a general ignorance of their underlying principles. But when President Taft vetoed the Arizona Statehood bill and sent his message to Congress, he forced into popular discussion, once and forever, that Recall of Judges. Since that time nearly all our progressive statesmen have declared themselves in favor of the principle of the recall of judges.

The principle involved in this debate is the principle of popular self-government. We of the affirmative are not necessarily obligated to prove the validity of that principle for it inheres in a Republican form of government. The particular phase of popular self-government which we wish to support is the giving to the people the power to remove

from the bench any judge who has shown himself incompetent or corrupt or who has wilfully abused or prostituted his powers. The statement of the question limits our discussion to those judges other than federal.

Just a word here in explanation of the operation of the Recall: the recall of judges can be placed in operation only after the judge has had a fair trial of at least six months' time and his incompetency has become so obvious and pernicious that a given per cent. of the electorate is convinced that he should be removed. This percentage varies in the various electoral units. This percentage — whatever the electorate has previously agreed upon — sign a petition asking that the question of the judge's removal be submitted to his electorate to determine by the Australian ballot system whether he should be retained or rejected. The judge shall also be given time and opportunity to state why he should not be recalled. The chief objection to the recall of judges is overcome by the length of time that is required for the election. In addition to the time required to procure the necessary number of signatures to the petition, after it has been filed, sufficient time must be given to properly notify the judge before the date of the recall election is fixed. Abundant time must be given for thorough discussion of the repeated abuses practised by the judge and also the consideration of the strength of his claims to continue in office. All this procedure must be in accordance with law and must be carefully outlined by the state constitutions.

The statement of the question does not make the recall obligatory upon every electoral unit in the United States. It says that all judges, other than federal, **SHOULD** be, not **MUST** be, subject to the recall. We are not advocating the recall as an arbitrary measure that must be forced upon

an unwilling electorate. We propose to defend the recall as a principle and advocate it as a remedy for the abuses now existing in the judiciary, but it devolves upon the electorate to avail itself of the opportunity the recall affords. We believe this position to be entirely consistent with the principles of self-government.

Furthermore we have convictions that are as firm as those of our opponents that the judiciary should be dignified and honorable. We would not be so presumptuous as to advocate a system that would lower the standards of our judiciary. In our constructive argument it is our purpose to show how the recall will elevate the judiciary to its rightful place of respect and honor and also correct the evils to which the judges are now subject. And having advocated such a system we shall maintain its universal adoption because it has done, and will do, what the present system has failed to do.

Having thus cleared the ground and defined the question, I shall now outline our case and proceed with our constructive arguments. We maintain that the recall of judges should be enacted for three fundamental reasons, viz.: it is NEEDED; it is JUST; it is PRACTICAL. I shall prove that the recall is NEEDED, my first Colleague will prove that the recall is JUST, and the last speaker of the affirmative will prove that the recall is PRACTICAL.

1. The Recall Needed.

1. To Correct Corruption.

The recall of judges is needed to correct the corruption of the courts. The accusation that the courts are corrupt is not mere political jargon. President Taft, the champion of the opponents of the recall of judges, in a speech delivered in Chicago, on Sept. 16, 1909, said, "Of all the questions

that are before the American people, I regard none as more important than this, to wit: the improvement of the administration of justice. We must make it so that the poor man will have as nearly as possible an equal opportunity in litigation with the rich man. And under present condition, ashamed as we may be of it, this is not the fact." Honorable Walter Clark, Chief Justice of North Carolina, recently said, "At the present time the supreme power is in the hands of the judges, who can set aside at will any expression of the people's will made through an act of Congress or a state legislature. These judges are not chosen by the people, nor subject to review by them. This is arbitrary power, and the corporations have taken advantage of it, simply by naming a majority of the judges.'

This country has been profoundly disturbed by the abusive practices of the court. The universality of corruption is attested by the following facts: The Republican platform of 1908, representing a great political party, declares against injunctions by the court. The Democratic platform also protested against government by injunction. The Independence party condemns the arbitrary use of injunction and contempt proceedings by the courts as a violation of the fundamental American rights of trial by jury. The People's party condemned the unjust assumption of authority by inferior courts, by which they nullify by injunction the laws of the state and demanded its prohibition. The Socialist party casting half a million votes and representing two and one half million people said, "Our courts are in the hands of the ruling classes."

Roosevelt in his recent Ohio speech quoted one of the ablest jurists in the United States as follows: "The administration of justice has withdrawn from life and become artificial and

technical. The recall is not so much a recall of judges from office as it is a recall from the administration of justice back to life so that it shall become as it ought to be, the most efficient agency for making this earth a better place to live in." Judges have set their rules above life; like the Pharisees of old they have said, "The people be accursed, they know not the law." Courts have repeatedly defeated the aroused moral sentiment of a whole commonwealth.

Again, the poor man is not on an equality with the rich man before the court. This discrimination is unjust and vicious to the very extreme; yet wealth has legitimate advantages in litigation, which cannot be overcome. So long as the rich litigant can employ better counsel, prepare his case better, and endure more easily the law's delays he will always have the great advantage over his poor opponent. This much is not the fault of the judge, but the charge against the courts is, that the judges habitually think in the terms of the rich and the powerful. The training, the sympathies, the experience and general view of life of most judges has made this inevitable. The process of thinking always on the side of vested interests, of the established order and of the powerful individuals and corporations, continued through a century, has built up a system of law barbarous in its injustice and inequality.

Lincoln said, "Labor is prior to and independent of capital. Capital is only the fruits of labor and could never have existed if labor had not existed first. Labor is superior to capital and deserves much higher consideration." Those words express the will of the American people to-day even better than they did in the time in which they were uttered. Yet the converse of that sentiment fairly states the attitude of the courts. It is this that has brought about a distrust

of the courts of to-day and that is why we ask for a recall that the will of the people may be carried out.

2. To Correct Usurpation.

In the second place the courts have usurped their power to declare statutes unconstitutional and therefore invalid and, having seized this power, they have come to legislate by declaring other statutes valid or invalid, merely because they doubted the wisdom or the justice of such laws, and consequently read their own opinions into other statutes regardless of legislative intention. By this course a single individual, if only he holds judicial office, may destroy a most excellent law, desired practically by all the people. This has been done again and again in the last few years. Let it be noted that the courts of no other country claim a right to set aside the laws made by the legislative branch of government. Every member of the legislative body has taken a solemn oath of office before Almighty God that he will faithfully observe the Constitution, and legislators are naturally better qualified and fitted to determine the constitutionality of their own acts, because they are immediately responsible. To allow their decisions to be set aside by any tribunal, not responsible to the people nor elected by the people, nor subject to the recall of the people's representatives is to establish a judicial oligarchy.

Now, various decisions have not only nullified statutes of the greatest importance for the protection of the people, but other decisions have been made which are in effect judicial legislation. I submit a few instances as illustrations: In *ex-parte Young* 209 United States 23, the attorney general of Minnesota is punished for contempt, for performing his duty in obedience to the statutes of Minnesota regulating the rates of public service corporations. Second, the statute

of Texas was set aside as unconstitutional in the case of Galveston, Harrisburg and San Antonio R. R. Co. vs. the state of Texas 210 United States 217, taxing the gross receipts of the railroad company within the state. Third, the statute of Kansas taxing the Western Union Telegraph Co. was set aside in like manner 216 United States 1. Fourth, the Oklahoma constitution establishing a corporation commission was declared invalid under the Constitution of the United States by the decision of Justice Hook, March 29, 1911. Fifth, Judge Sandburn's decision in the case of Shepard vs. Northern Pacific R. R. Co., on April 11th, practically destroyed the Minnesota statute. And, if time were given, we could extend this to the Federal Courts and show how the Fourteenth Amendment, intended to protect the negro, has been twisted from its purpose and made to protect the trusts and monopolies. We might also show how the Federal Court has declared unconstitutional the Employer's Liability Act, the Compulsory Arbitration Act, the Workmen's Compensation Law, and the Income Tax Law.

It would be possible for us to dwell at length upon cases where the delay of the court worked hardship upon one of the litigants. We give a single illustration of this: the editor of the "Appeal to Reason," a newspaper published in Girard, Kansas, was sentenced by the Federal Court to six months' imprisonment and a fine of \$1,500 for violation of the postal laws. On carrying it to the Circuit Court of Appeals the sentence was affirmed after a delay, disastrous to the circulation of that newspaper. In connection with this, it might be said that President Taft commuted the sentence to a fine of \$100 to be collected in the Civil Court. In commenting on this sentence President Taft said, "The District Court evidently looked beyond the evidence in the

case and found that Warren was the editor and publisher of a newspaper engaged in a crusade against society and government. Moreover, this is not a prosecution of a criminal libel; it is a prosecution that at best is the violation of a regulation as to the use of mails. To visit such an offence with a severe punishment is likely to appear to the public to be an effort to punish the defendant for something that could not be charged in the indictment." There are, no doubt, some who will consider the language of the President above quoted as a more severe criticism of the courts than anything ever said of them by the editor of the "Appeal to Reason," and its weight is not lessened by the fact that it obviously was not intended as a reflection upon the court.

Now, honorable judges, here we are as a nation, face to face, with the facts of the corruption of the courts and their usurpation of power. Both this corruption and usurpation are growing in extent and power each year. The American judiciary is rapidly becoming the object of contempt in America and a "laughing stock" in the world at large. The simple question is this, "What are we going to do about it?" Are we still to trust to the present on-going of events? Are we to tie our faith to a system that has already proved a failure? Shall the "standpatism" which must champion a decadent judiciary and obsolete methods be our program? Or shall we champion a measure of reform, which the present judicial needs demand? In the face of the facts that we have advanced to prove the corruption of the courts and the usurpation of power by the judges are we not warranted in asserting that immediate measures must be taken to prevent further abuse of power delegated by the people? We believe that such measures can only be applied by the people and

that the recall of judges will give the people the opportunities for correcting these abuses.

SECOND AFFIRMATIVE, DAN. C. TROXELL, '12, COTNER

My first colleague has proved that the recall of judges is needed. And now I shall prove that it is just.

Before proceeding with my constructive argument, allow me to point out that there are three fundamental fallacies underlying the position of the negative in this debate. The first fallacy is that the people cannot be trusted; the second, that the judicial branch of our government is in a class by itself and should not be made subject to the people; and the third, that the recall would be overworked. All these fallacies I shall refute. This I shall do in proving that the recall is just.

1. *The Recall Is Just.*

1. The recall is just to the judge.

At the outset we agree with the negative that it is just to the judge that our laws and statutes be so framed as to preserve the purity and independence of our judicial department. It is an unfortunate state of affairs when the judiciary becomes antagonistic to the people, or when the people become antagonistic to the judiciary. We are willing to say with Colonel Roosevelt that, "There is no public servant and no private man whom we place above a judge of the highest type, and very few that we rank beside him." We also believe with Mr. Roosevelt that, "The judge must consider two separate elements of law in his decision of a case — one, the terms of the law, and the other the conditions of actual life to which the law is to be applied."

Now the question naturally arises — if the judge, either

willingly or unknowingly, fails in one respect or the other or both, is it fair to his constituency or to the judge himself not to apprise him of the fact? And if he persists in his error is it not just to the judge that he be brought to account and even removed from the bench? And if he must be removed, what power, in the fairness to the judge, has the jurisdiction?

We maintain that in all fairness to the judge, the power that bestows judicial authority is also the power to remove him. But our opponents will say that while it is just to remove the incompetent judge, the recall would work injustice to the competent judge. However, the opposite is the case, for the just judge would have no more to fear from the recall than he would from an approaching re-election. The recall is no more aimed at the faithful judge than the criminal code is aimed at the great majority of our people who abhor crime. Why, every judge will concede the fact that there is a possibility of corruption or usurpation of power. There are times when, like all humanity, the judge is weak. There are times when great party or corporation influences unjustly seek to control his opinion. That sinister force, which we have found no way as yet to eliminate, must be counterbalanced and repulsed. The recall would give the judge protection, and strengthen him in his fight for right, in that he could have the people at his back continually. Hence, the recall would not only work no injustice to the good judge, but it would be of great service to him, for it would afford him the protection and power which he needs.

The recall is just to the judge in that it gives him an opportunity for vindication. It is not an autocratic power which deprives him of the right to justify his decision, or

brands him as a criminal. It allows him to reply to the charges and appeal to the electorate for vindication. His assailants cannot be assured of his recall until the returns are all in. His case is placed before the electoral jury, and he may feel assured that the verdict will be given only after the evidence is properly weighed.

An honest judge would no more hesitate to submit his case to the people than he would hesitate in the first place to submit his name as a candidate for office. And after all, honorable judges, why should any man who comes before the people asking an office refuse to consider himself a servant of the people or be willing to abide by any decision which they might make regarding his treatment of them. And for any judge to deny the right of the people to recall him is to frankly admit that he is either dishonest or a coward. He must remember that though his robes are of ermine, they are not the robes of angels.

2. The Recall Of Judges Is Also Just To The People.

Here we shall answer the fallacies previously mentioned and upon which the negative stake their case. It is just to the people, because theirs is the final authority.

The Constitution was founded upon the fact of the sovereignty of the people. Our forefathers had a wholesale terror of absolutism and strove to protect themselves against it. The Declaration of Independence declares that the people may change or abolish a government which becomes destructive to the ends for which it was instituted. They may "Institute a new government, laying its foundations upon such principles, and organizing its powers into such form as to them shall seem most likely to effect their safety and happiness." But while we based our government upon the fact of the sovereignty of the people we have been ex-

perimenting for a century to find a machine that will run itself independently of the people. We have tried to make our government a nice set of checks and balances, of vetoes and counter-vetoes, when in reality the people have the final voice of authority.

The sovereign people instituted the representative form of government. They delegated power to their agents in each branch of their government. But in delegating this power they have in no sense parted with it. Of this sovereign power Otis said that, "It is originally and ultimately in the people and they never did freely nor can they rightfully, make an absolute unlimited renunciation of this divine right, which is ever given in trust and on a condition, the performance of which no mortal can dispense with, namely, that the person on whom this power is conferred by the people shall incessantly consult their good."

One of the fundamental fallacies of the negative is that the *people cannot be trusted*. They say it will be submitting to the will of the majority; that the minority would have no rights; that it would substitute the rule of caprice for rule of law; that it would put us in the hands of a tyrannous, irresponsible mob. Such a contention, honorable judges, denies the very underlying principles of the republican form of government, for that foundation idea is that the majority shall rule. All of our officers are elected by the majority; our laws are passed by the vote of the majority; in our courts where there is a plurality of judges the decision of the majority holds; our constitutions are amended by the vote of the majority. There is not a single office; there is not a single power of legislation; not a single supreme court, state or national, in our whole nation, from first to last, in which the will of the majority does not obtain.

Does the recall violate this principle? Is it not the next logical step in popular self-government? Is it not placing the power where it ought to be, in the hands of the sovereign people? And I submit, honorable judges, that if there is any violation of principle it is when we put in the hands of one man, powers of decision by which he may overrule the popular will and trample the rights of the people under foot, and at the same time not be subject to recall by these outraged people. Can you imagine a more glaring fallacy than this one, that the people cannot be trusted? That has been the cry of despots and power-loving rulers of every age. It would be laughable if it were not so pathetic.

The second fundamental fallacy of the negative is that the judge is in a class by himself, and is entirely different from other officers. They would have us believe that he is a sort of a demigod, whose dignity and independence remove him far from the power of the people. We deny the distinction between the judiciary and the other branches of government which the opponents of the recall would have us believe. There is a difference as to function of the office, but no difference as to the source of the office. The negative talk about this difference, forgetting that all departments owe their existence to the people. If there were no people there would be no government. Hence, the truth of the statement that, "All governments derive their just power to govern from the consent of the governed." To this rule there is no exception, and to make it otherwise is not only to commit a fallacy in reasoning, but also to undermine the very foundations upon which a free government rests. Who is the government, anyway? Is it the judiciary? Or is it the people? We ask you, honorable judges, is it just to a free people to take any branch of their government out of their

control and set it on a pedestal and make of it a master instead of servant? Every executive office in our nation from highest to lowest, every legislature of whatever sort, every judicial office from the squire of the country cross-roads to the chief justice of the supreme court of the United States, all alike owe their existence to the people. Therefore, it is just to contend that there is this distinction between the departments?

The third fallacy of the negative is that the recall would be overworked. They say that it would be putting a dangerous weapon in the hands of the mob. We leave it to your candid judgment as to whether such a criticism is just to a liberty-loving and enlightened people. While it is true on the one hand, that here and there a mob may make its appearance, and angry passions rise above all restraint; on the other hand, there are the corrupters who with sinister purposes seek to intrude into every channel of our government, to buy our legislatures and corrupt our judiciary. However, between these two is the average American citizenship, which constitutes what we may call the composite citizen, and he is the backbone of our nation. It was the composite citizen who made possible the granting of the Magna Charta and who composed the membership of the Boston Tea Party. It was the composite citizen who, with hardly a shadow of law, fought seven years during the revolution. It was the composite citizen, rising above the limitations of a written constitution, who solved the problems, physical and political, of the rebellion when Lincoln declared that he had "to lock the constitution in an iron safe" to protect it while the Union was being restored and a nation born. It is the composite citizen who solves every American problem and it is on his patriotism, wisdom, and integrity that must

rest the ultimate power in a free government — upon which must rest the permanency of free government itself. It is the composite citizen who would make the recall a measure of justice and a bulwark of popular rights. No more would he overwork it than he has overworked habeas corpus or right of trial by jury. No! gentlemen, the recall would not be overworked and just here lies its chief value as my honorable colleague will show.

Thus, honorable judges, the recall of judges would be just to the people since they are sovereign. Second, because the authority of the judge is not different in source from other departments. Third, because the recall would not be the weapon of the mob, but the legitimate safeguard of true liberty.

Now, honorable judges, I have proved that the recall of judges is just, first to the judge, and second to the people.

THIRD AFFIRMATIVE, ROY C. DADY, '16, COTNER

My first colleague in this debate has proved that the recall is NEEDED, my second colleague proved that it is JUST, both to the judge and to the people, and it now devolves upon me to prove that it is PRACTICAL, for the subject naturally resolves itself into the question: "Is the recall practical, and will it remedy existing judicial evils?"

III. The Recall Is Practical.

I shall prove that the recall is practical by two main arguments, first, that it strikes at the root of our present judicial evil, and, second, it has worked where it has been tried.

1. Would Remedy Existing Evils.

If man were an infallible being, an absolute monarchy

would be the ideal government, for that is the government of God. But man is not infallible, and it has been discovered through centuries of painful experience that a democracy is the only form of government that will safeguard the liberties of man. As my colleague has already shown, the judiciary with its ascribed dignity and aloofness has become a sort of monarchy. It has not been content to simply render decisions on the basis of the law as made, but has assumed to declare what laws shall be valid. Hundreds of cases might be cited where the judges have declared laws unconstitutional, even after passing both houses of State and National legislatures by large majorities. If judges were infallible, if they did not usurp their power, there might be no need for the recall, but we must face facts, and not theories. The fact is that all judges are fallible, many of them are corrupt, and the judiciary as a class has assumed powers which were never intended that it should have by the framers of our constitution. Would the recall check this usurpation of power, and cleanse our courts of corruptions? We maintain that it would.

It would check the usurpation of power by placing the ultimate power in the hands of the people. In a democracy, the people are sovereigns, and if the people, through their representatives, should pass a law which they deem wise and just, certainly they should have the power to recall a judge who would turn their victory into defeat, or trample their laws underfoot by setting up his own opinion as final. The fact that a judge knew that he must reckon with the sovereign power of the people would be the most effective deterrent upon the usurpation of power, which, in a free government, could be devised. By the recall, the power which the judge now assumes unto himself would be taken from him and instead

of being dictator and ruler, he would become the servant of all. As for corruption, the recall would be a most effective check. The power of corporation control would be materially lessened. Unworthy judges would be removed from the bench, and the whole atmosphere of our courts would be greatly purified.

But our opponents say that the people will be too hasty in their action, and that they will recall good judges from the bench, because of some unpopular, right decision. They say that the recall will be overworked; but right here, gentlemen, lies the fundamental fallacy of the contention of the negative as my second colleague has shown. The recall would not be overworked, and in that lies its greatest power. It may never have to be used, but the fact that it is an ever-ready weapon in defence of right and integrity makes it a most powerful instrument. It would be a sword of Damocles ever hanging over the head of the judge, and the people would hold in their hands the shears with which to cut the thread by which this sword is suspended. Those who advocate the recall, maintain that the strongest argument in its favor is its *potential* value.

Our opponents say that to submit to the will of majorities would be instituting the rule of caprice, and not the rule of law. Allow me to say, honorable judges, that if there is one thing which would insure the favor of an American population, and that would keep a judge upon the bench, it would be the fact that those people were assured that he could not be moved from his righteous course as a judge, either by popular clamor or by the insidious influence of some great litigant. This talk about a judge being removed from the bench because he was firm in the line of duty, or about his being kept upon the bench because, on the other

hand, he was willing to listen to popular clamor, and to decide cases the way the mob wanted him to decide them, is the most arrant nonsense and a most unjust reflection upon the great people who have made this nation. The people do not measure a judge upon a single decision, but they measure him upon his conduct and his life. They believe in making one test of his character, "Is he a good judge who cannot be swayed by the popular clamor, or by the sinister influence of great litigants?" If so, there is no danger of his being recalled, the people will welcome him upon the bench and keep him there. So the recall will remedy existing judicial evils.

2. It Has Been Successful.

The recall is practical, in the second place, because it has worked where it has been tried. The purity of the English Courts is world renowned. Moreover, their decisions are studied by all American jurists, and esteemed very highly for their consistency and wisdom. Their judges are subject to recall. It is true that this recall power is in the hands of Parliament, but let it be remembered that the English Parliament is in much more direct touch with the wish of the people than is our own corresponding branch of government. Its acts cannot be vetoed by any but the people; while in the United States hundreds of cases might be cited where the judges have overruled the judgments of Congress. In England the declaring Acts of Parliament unconstitutional by the judges was a contributing cause to the hanging of Chief Justice Treslenian, and the banishment of his associates. The declaring Acts of Parliament unconstitutional in 1703 led to the arrest of Chief Justice Jeffreys, the flight of James II, the revolution, and the Act of Settlement and the ultimate placing of the power to recall judges in the

hands of Parliament. Not only has England taken away from the Courts the power to declare laws unconstitutional, but they have also subjected their judges to the recall.

Switzerland is the most democratic of any nation that is known to-day, and the unique system of her government is attracting the attention of the world. Secluded by mountain barriers, her sturdy mountaineers, each one in his own sphere, recognizes his responsibility and exercises his power in making laws for canton and state. Their Judicial Department is in some respects similar to ours, the judges in some cases being elected by the people, while others are chosen by the legislative assemblies. They have no President, but corresponding to our President is a Committee, and corresponding to our Congress is the Federal Assembly, which is also composed of two chambers designated as the Federal Council and the Council of States. Its members are chosen by the qualified electorate in most cases, and there is no member in any department of the Swiss government, that is considered by its constituents, as above and beyond their control, any more than a business firm would consider one of its employees above and beyond the control of the directors of that enterprise. The recall, similar to that proposed here to-night, has been in effect in Switzerland for years, and the stability of the Swiss Courts is world renowned.

In the United States, Oregon and California have adopted the recall. Arizona was refused admittance into the Union because her constitution contained this provision; but when the Governor of that State was recently inaugurated, he recommended that at the first meeting of the State Legislature, this recall provision be reinstated. But our opponents will say that the recall has not been in effect in Oregon and California a sufficient length of time to give it a test.

They say that it is an experiment. To this we would answer, first, that it has been tried in Oregon, in the case of a judge, and proved entirely satisfactory to both the judge and the people. Second, it has been tried several times in case of executive officers and has proved practical and efficient. To say that it is an experiment is no argument. If it were, all progress would be forestalled, for all progress is experimental. The cry of, "Experiment, experiment," is ever the cry of the enemies of progress. This same cry is hurled at every reform, and every advance of civilization. This was the favorite scarecrow of the opposers of the elective franchise being extended to the poor as well as to the rich. This was the favorite weapon of the enemies of constitutional government. This was the battle-cry of the opposers of the initiative and the referendum, and now it is being hurled at the recall of judges. But we deny that it is an experiment. It has long ago passed the experimental stage and has proved its right to become the next logical step in the government of a free people. Honorable judges, are we still to trust to wornout customs and inefficient expedencies? Are we still to remain helpless in the face of usurpation of power and judicial corruption? Are we still to have our hands tied by the iron chains of bygone days, or are we ready to step out in the advancing line of civilization and safeguard, by the recall, the inalienable rights of the sovereign people?

And now to sum up the arguments of the affirmative: we have proved that the recall is **NEEDED**—needed to correct the corruption of the courts and to check their usurpation of power; we have proved that the recall is **JUST** both to the judge and to the people. Lastly, we have proved that it is **PRACTICAL**, because it will remedy existing evils and

has worked well wherever tried. Because the recall is needed, because it is just, and because it is practical we maintain it should be established.

*COTNER COLLEGE versus DOANE COLLEGE, NEB.,
AND CANTON CHRISTIAN COLLEGE, MO.*

FIRST NEGATIVE, PETER B. COPE, '15, COTNER

The question as stated by the preceding speaker is "Resolved that all judges other than federal should be subject to the recall." Let us first notice that the question reads "the" and not "a" recall. This wording of the question forces the affirmative to be specific in their definitions and not cloud the issue by speaking merely in general terms. We interpret this phrase "the recall" to mean that popular form of recall such as has lately been enacted in Oregon and California. The fact that we are debating this question to-night arises out of the widespread discussion of the popular recall as applied in these states. The territory of Arizona was recently denied statehood because of a similar provision in her proposed constitution.

For the sake of clearness let us define what is meant by the recall. The popular recall is a system by which an officer may be deprived of his office by popular vote before the expiration of his term of office. In short, it means "dismissal from office." In Oregon, for example, any judge may be dismissed from his office at a special election called by a petition of 25 per cent. of those voting at the preceding general election. The officer against whom the petition is aimed has two alternatives: first, he may resign within five days; second, if he does not resign he may become a candidate for re-election at the special election to be held within twenty

days. There may also be other candidates. The ballot is to contain in two hundred words the reason for the recall, and the judge against whom the petition is aimed may answer in a like statement of two hundred words. The California law is similar, but it requires only 12 per cent. of the voters to call for an election.

Let it be noted, also, that the statement of the question limits the discussion to the state judiciary, which includes three sets of courts: a Supreme Court, or Court of Appeals; District or Circuit Courts; County and local Courts. The question reads that *all* judges other than federal should be subject to the recall. This places the burden of the proof upon the affirmative to show that the recall should be applied to "*all judges*." They must maintain that it will work equally well with every judge from the squire at the country cross-roads to the chief justice of the State Supreme Court; for if they fail in either case they have failed in both. And they must further show that this system of popular recall can be applied to all judges in every state of the Union, no matter how different the conditions may be. They must show that it can be applied with equal justice and success to the judges of the state of New York and those of New Mexico, for, failing in this, they have lost their case. Again we repeat that the question reads "*the*" recall of "*all*" judges other than federal. To this statement we shall hold the affirmative.

We hold that the recall should not be applied to all judges other than federal, and shall maintain this position by three main arguments: first, it is IMPRACTICAL; second, it is UNJUST; and third, it is UNSAFE. I shall prove that it is impractical; my first colleague will prove that it is unjust; my second colleague will prove that it is unsafe.

This being done, we will not fail to offer a remedy for existing conditions, but my second colleague will suggest a substitute for the recall, which will be practical, just, and safe.

I. The Recall of Judges is Impractical.

1. Because It Will Not Remedy Existing Evils.

We admit that there are evils in the present judicial system and will not deny that it is *this* that has given rise to this agitation for the recall of judges. But we do *deny* that the recall would *remedy* these evils.

The abuses which give rise to the popular clamor for the recall at the present time are due, for the most part, to two causes; both of these causes lie outside of the reach of the recall. The first cause is the present elective system, by means of which judges are chosen. No sane man will deny that the great corruption of the judiciary has been caused by political rings and gangs electing their henchmen to the bench. It is no uncommon thing, as any voter in this audience can testify, to have a candidate for judgeship seek to secure votes on the ground that he stands on the particular side of a given question. This very thing happened in the recent election of Supreme Judges in our state. Dr. W. E. Lecky of London, England, in commenting upon the American elective system, declares, "The deliberate, personal corruption which has for generations been unknown among English judges has been proved in America to be due to the fact that the judges oftentimes act as mere partisans of the bench." He further says, "The mistrust of justice in many states is the direct, manifest, acknowledged consequence of the system of popular elections." According to this eminent authority, then, the corruption which the affirmative have so vividly described is due to the present system of popular election of judges.

The abuses resulting from this prevailing elective system are well illustrated by the activities of the once notorious Tweed Ring of New York City. James Bryce in describing this political organization said, "When engaged in plundering the city treasury it found it convenient to have in the seat of justice accomplices who might check the inquiry into their misdeeds. This, the system of popular elections for very short terms enabled them to do, and men were accordingly placed on the bench whom one might rather expect to find in the dock, bar-room loafers, broken-down attorneys, needy adventurers whose want of character made them absolutely dependent upon these patrons. Nor is there any doubt that criminals who had any claim on their party often managed to elude punishment, for governor, judge, attorney, officials and police were all of them party nominees." Thus we see that the corruption of the famous Tweed Ring was dependent upon the election of partisan judges. They could not thrive without it. The one political instrument that would have aided them in their work of corruption and destruction would have been the popular recall of judges. The popular recall does not, in any way, set aside these abuses which arise under the elective system. It only accentuates them, for besides the regular election every honest judge would be subject to a recall election, which might be called at any time by the modern Tweed Rings found in every city. Even if the honest voter is victorious in electing an upright judge to office, the recall might at any time destroy the fruits of the victory, for the corrupt minority could wait six months after the election, get 25 per cent. of the voters on a petition, and call out another election; this, any one could see, would not be difficult. For example, what better instrument for their work of corruption and

destruction would the liquor interests need than the system of popular recall of judges. They could hold the sword of Damocles over the head of every honest judge because of the close division of public sentiment on this question. The recall would not change the elective system, and hence would be impractical in abolishing present abuses. Do our opponents propose establishing a system which is fruitless and useless? The American people have amputated one leg of their government by establishing the elective system of the judges and the agitators of the recall propose to cut off the other also.

The second cause of the present clamor is to be found in our cumbersome method of litigation, over which a judge has little or no control. It will be admitted by all, that much of the present dissatisfaction with the judiciary is due to the delay of the courts in rendering decisions. This delay is not due to the judge, but to certain legal procedures which the judge by oath of his office is sworn to respect. There are on our statutes to-day laws that are antiquated. A judge has no power to change them. Furthermore, there are outgrown court decisions which the judge has no power to modify. These two things cause many unpopular decisions to be rendered. Then, too, the judges' hands are tied by the system of appeals which is in vogue to-day. Every decision which a judge makes may be appealed from — hence, the long, drawn out litigation by which a case is taken from one court to another. The only thing that he can do is to grant a new trial.

And again, in criminal cases, the common law favors the man accused of crime. Any error or any technicality must be interpreted in his favor. In case of a legal error the court must give the defendant the benefit of the doubt. It is a

question as to whether the error *might* injure the defendant, and not *did it* in fact injure the defendant. They are asked to decide as to the possibility and not as to the fact. Now, gentlemen, would the recall change any of these things? Would it abolish outgrown decisions and antiquated laws? Would it do away with the present system of appeals which is the chief source of the delays of justice? Would it tear down the fences of legal technicalities which have been built up about men accused of crime? No! It is powerless to change a single one of these things. If it is powerless to remedy present abuses, what ground have our appeals for advancing this system?

2. Does Not Work.

It is impractical, in the second place, because it has not worked well where tried on administrative officers. For example, in Seattle Mayor Gill was recalled because he was too lax in the enforcement of the liquor laws, and in Tacoma Mayor Fawcett was recalled because he was too rigid in the enforcement of the liquor laws. In both cities they are now agitating the recall of present mayors. At the present time in Tacoma a petition is being circulated agitating the recall of Mayor Seymour and the return of the old Mayor Fawcett who was recalled last May. Each man has supporters among the press which vilifies the other candidate and confuses the issue. The people cannot make a fair verdict. A general condition of dissatisfaction and unrest prevails. In Tacoma they had four recall elections within two months. Think of the enormous expense involved in holding these four elections. Think of the agitation and constant stir that must have attended them. Think of the fickleness of public opinion that would recall a mayor and then within nine months seek to return him to office.

Does all this sound like it was a practical thing? If the people cannot define the issues for a mayor of a city the size of Tacoma, how can they be expected to decide upon the justice of a judge's decision within the time limit of a recall election in a state the size of Oregon? Are our judges to be subject to this same uncertain and experimental legislation? If it fails to work in the case of administrative officers, should it be extended to the judiciary? It will be time to try it on the judiciary when it has proved its efficiency in securing justice and good government in the case of administrative officers. Until then let us leave it where it now is. It is at best but a Utopian dream, deidealized.

The experiment of the popular recall has been tried on legislative officers and failed. The Articles of Confederation contained a provision for the popular recall of Members of Congress. Mr. Pickney was the author of this article, but when the Constitution was adopted it was upon the motion of Mr. Pickney himself that this provision was unanimously stricken out of the proposed federal Constitution. He evidently thought it to be an unwise experiment. Shall we extend to the judicial departments legislation that has failed in the other two departments?

But admitting for the sake of argument that it might work well in the case of administrative and legislative officers, it would not follow that it should be applied to the judicial branch of government also, for, as my colleague will show, there is a vast difference between these departments of government, and it is not logical to say that any law will apply equally well to all three departments. Now, honorable judges, we have proved that the recall of judges is impractical, because it would fail to remedy present evils; these being inherent in two things which the recall would

not abolish: first, our present elective system relating to judges; second, our present methods of legal procedure. Therefore, we maintain that all judges other than federal should not be subject to the recall.

SECOND NEGATIVE, RODNEY L. MCQUARY, '13, COTNER

My colleague has proved that the recall is impractical by two arguments: first, it will not remedy present conditions; second, it has failed to work well wherever it has been applied to administrative officers.

I shall prove that the recall is unjust, first, to the judge, second, to the people.

II. The Recall Is Unjust.

i. Unjust to the Judge.

a. The recall is unjust to the judge, in the first place, *because it strikes at the fundamental purpose of his office.* Let it be understood that the office of judge is entirely different from that of legislator or administrator. The end of all government is to maintain justice and order and to secure liberty and opportunity to the individual. In order to more easily realize this aim the founders of this Republic divided the government into three branches — the Legislative, the Executive, and the Judicial. Each was designed to perform a specific work. The function of the Legislative branch is to make the people's laws; the function of the Executive branch is to enforce the people's laws; the function of the Judicial branch is to settle the people's quarrels according to the people's laws. In relation to the legislative and executive branches the people are *active*. In relation to the judiciary, which settles their disputes, the people are *passive*. The only reason for having a judiciary, then, is to settle the

disputes which the people themselves cannot settle. In other words, they appeal to the judge as an arbitrator. When they go into court both sides expect to submit to his authority. If the litigants will not abide by his decision, he is useless as an arbitrator. The recall gives the dissatisfied party the privilege of rebelling against his decision by dismissing him from office. Thus the final decision is vested in the litigants and not in the arbitrator. Hence the recall makes of the judge a mere figurehead. Furthermore, his position as arbitrator demands that he give a *fair* decision; but the recall makes it imperative that he give a *popular* decision. Is it just to any judge to expect him to always give both a fair and a popular decision? Inasmuch then as the recall deprives the judge of the fundamental prerogative of his office and makes of him a mere figurehead we maintain that it is unjust to the judge.

b. The recall is unjust to the judge, in the second place, *because it does not provide for him a fair trial*. The recall election does not give the judge a fair trial for three reasons: first, he is not judged by a permanent standard. If my opponent were arraigned for larceny he would be tried according to a definite statute made by the legislative, by a sane method, in a moment of deliberation — in short, he would be acquitted or convicted upon the statute concerning larceny. But the judge, just as much an American citizen as my honorable opponent, has no such opportunity for fair trial under the recall. He is brought before no established court; he is tried by no permanent law, but the court before which he is arraigned is public opinion — whatever it may happen to be and however it may be influenced by local conditions. Before this court he must prove his own innocence by a vindicating vote in a political election, and each voter will

make up his verdict of acquittal or conviction not after calmly considering his case in the light of permanent law, "but under the illuminating radiance of the torchlight procession, in the calm judicial atmosphere of the brass band, and upon the logical summing up of issues by the spellbinder and the campaign quartet."

The recall election does not give the judge a fair trial, second, because in it the issues are confused. While the recall petition is being circulated there is but one issue and that is the guilt or innocence of the judge involved. The petition is circulated, the election is called primarily to settle this one question. But as soon as the petition is completed and the election declared the ground immediately shifts. Other candidates may file. After this the question is not restricted to the guilt or innocence of the judge involved, but there enters the question whether or not he is a better man than any other candidate. It is no longer a judicial trial; it is a political election. Not only does it make him defend his own position, but it requires him to vindicate himself by a larger vote than any opponent. Every vote that is not cast for him not only leads to his defeat, but adds to his disgrace, for, say what you will, the recall must carry disgrace with it. Because it divides the attention of the voter between the real question at issue and the merits of other candidates, the recall does not give the judge a fair trial.

The recall does not give him a fair trial, third, because his accusers constitute his jury. The advocates of the recall themselves avow that it is only a public trial in which the jury is extended to include the whole electorate, but you will note that in this *jury* only a *majority* is required for conviction. Also, trial by jury to be fair, demands that neither party to a suit should be allowed to sit upon the

jury; but the recall provides that a judge may be tried by a jury 25 per cent. of whom have already publicly avowed their prejudice against him by signing his recall petition; thus it violates the very principle of trial by jury. For this reason, also, it is unfair to the judge and if for no other should not be established in all the states.

2. Unjust to the People.

a. The recall is not only unjust to the judge, but it is also unjust to the people. It is unjust to the people *because it substitutes a rule of caprice for a rule of law*. One of the chief ends of government is to restrain the people from ill-advised action. Often the people, when under the spell of a great influence, if left unrestrained, would sway far from the path of right. To overcome this danger, constitutions have been drafted and ratified by the people as contracts which definitely fix their relations to the government. Bryce says, "The constitution is the conscience of the people who have resolved to restrain themselves from hasty or unjust action." These constitutions can be changed only by a deliberate method, by the vote of a large majority. In order to maintain this relation to each other and to their government the people have given the judiciary the power to interpret laws by the standard of the constitution. This is a safeguard against political legislation and keeps it within the same bounds of the constitution. De Tocqueville says, "The power vested in the American courts of justice to declare a statute unconstitutional forms one of the most powerful barriers that has ever been devised against the tyranny of political assemblies." Bryce says, "The constitution is the haven of the minority, who, when threatened by the impatient vehemence of the majority, can appeal to this permanent law, finding the interpreter and enforcer

thereof in a court set high above the assaults of faction." And now since one of the purposes of the constitution is to protect the people against rash action, the purpose of the judiciary is to see that this protection is maintained and made permanent. In order to do this the judiciary itself must be permanent. Under the recall no such permanency could be assured. Under this system, in a moment of popular excitement, the people could force the enactment of a law directly contradictory to the spirit of the constitution and hostile to their own true interests and by the recall sweep out of office any judge who would dare oppose them. Thus the constitution which the people had enacted to protect themselves against themselves would be virtually destroyed and all restraint would be broken down. The constitution would become useless verbiage and the judiciary useless luggage. The recall would break down the rule of the constitution and substitute for it a rule of caprice which would have full reign. To this sacrifice the people's government and their true interest to such a rule of caprice would be the grossest injustice to the people.

b. The recall would be unjust to the people, in the second place, *because it would disregard the rights of the minority*. As the tenure of office of a judge would depend on his keeping on the side of the majority he would be a judge for the majority and not for all the people. Under the recall the minority would have no assurance of securing their rights. To illustrate this fact, let us suppose a county in Oregon where the recall is in force polls 10,000 votes, 8,000 of these are in sympathy with union labor, the other 2,000 are non-union in sympathy. The 8,000 labor votes constitute the majority. Now let us assume that a prominent member of the small non-union party has a suit in court for damages

against a labor union. He comes before the court to obtain justice. The judge tries the case, is ready to make the decision, and the evidence is clearly favorable to the man in question. The judge knows that a plurality of 8,000 votes stands ready to dismiss him from office if he gives the man the decision. If he wishes to retain his office he is compelled to decide against the evidence, against his better judgment and against the non-union litigant. He would be a judge for the 8,000 and not for the 10,000. He would be a judge for the majority and not for all the people. Senator Borah in discussing the recall of judges before the Senate of the United States said, "Though the majority must rule, yet a government which has no method for protecting the rights of the minority is a despotic government, I do not care whether you call it a Monarchy, an Aristocracy, or a Republic." President Taft also recently declared, "A popular government is not a government of, by, and for a majority. It is a government of the whole people under such rules and checks as will secure a wise, just and munificent government for all the people." He further states, "Reform cannot be accomplished by abolishing the requirements which the experience of ages has shown to be essential." Because the recall would cause the courts to thus disregard the rights of the minority, it is unjust to the people. Therefore, to establish the recall of judges means to inaugurate a system that is unjust both to the judge and the people. We maintain, honorable judges, that no such measure of injustice should be established by a free and justice-loving people.

THIRD NEGATIVE, CLARENCE E. LEMMON, '13, COTNER

My first colleague has proved that the recall of judges is **IMPRACTICAL**, my second colleague has proved that it

is UNFAIR, and I now shall close the negative argument by proving it is UNSAFE.

III. The Recall Is Unsafe.

1. The Recall of Judges is Unsafe, in the first place, because it will develop an INEFFICIENT JUDICIARY.

a. It will do this, first of all, because it will take *the attention of the judge from the duties of his office*. Anything that detracts from the business of judging the law reduces his efficiency. If he is compelled to spend half his time in studying the political situation lest he make an unpopular decision and be dismissed from office he is only half efficient. This the recall compels him to do. With this system in vogue he must ever keep in tune with the majority. Each decision meets with public scrutiny and popular criticism. He must if he expects to retain his office divide his attention between his duties as a judge and the courting of public favor. He must learn well how to "split the ears of the groundlings." This takes time. Our opponents propose by the recall to cut in two the efficiency of our judiciary. For this reason, if for no other, we maintain that it should not be extended into all the states of the Union.

b. The recall will develop an inefficient judiciary, in the second place, because it *reduces the attractiveness of the office*. The importance of the position of judge makes it imperative that the very ablest of legal talent be attracted to the judicial positions. To do this the salary, dignity, and term of office must be favorable. No man of great ability as a lawyer would leave a lucrative law practice to become a judge without a definite contract for a certain period of years. Under the recall no such contract could be given. On the other hand, it gives the right to discharge a judge on thirty days' notice and without adequate reasons. And further,

no self-respecting man is going to allow himself to be put in a position where he may be disgraced by a popular whim because he has rendered a decision which he thinks to be just and right. Instead of making the office more honorable and attractive it makes it less inviting. A business man in seeking more efficient clerks naturally raises the salaries, increases the chances of promotion, and adds to the responsibility and dignity of the position. But the advocates of the recall hope to get better judges and reduce corruption by the opposite method. Their position is absolutely false and illogical. The fact of existing corruption shows the imperative necessity of getting better judges by giving the office added dignity, permanency, and remuneration. Their reform will prove but a boomerang! By reducing the attractiveness of the office the recall would call out less efficient men, and, therefore, I maintain it is an unsafe system.

2. The Popular Recall of Judges is Unsafe, in the second place, because it will make the judge *dependent upon a dangerous popular clamor*. It is universally agreed that the strength of the judiciary lies in its independence. It has been a political maxim for years in England and was the controlling ideal of the founders of this Republic. "The complete independence of the judiciary," remarks Hamilton, "is peculiarly essential in a limited constitution." Judges themselves are very careful to maintain this independence. Many of them refrain from reading the newspaper reports of trials over which they are presiding. Juries are segregated from outside influence. Every one realizes that justice comes from an unprejudiced view of the facts of a case and the laws governing those facts. Any outside prejudice or influence weakens the efficiency of a court. This proposed

popular recall furnishes this outside prejudice by making the judge a servant of popular clamor. Instead of refraining from reading newspapers, he must watch the press closely in order to keep on the crest of the political waves. His decisions must not controvert public opinion or he may be dismissed from office.

The affirmative maintains that popular clamor is a conservative thing and will not destroy the judicial dignity, but the facts disprove the assertion. Even John Marshall, the greatest jurist in the history of American jurisprudence, would, without doubt, have fallen its victim had it been in operation. For in 1807, at the trial of Aaron Burr, the President of the United States, the President's cabinet, the majority of Congress, and the people were unanimous and frenzied in their denunciation of his decision. History has approved his course at the Burr trial; but had the popular recall been in vogue the name of John Marshall would now be synonymous with "disgrace." Marshall would have been recalled and some political demagogue would have succeeded him. Many States have now almost the population of the nation in the days of Marshall, and a situation might easily arise where a judge would have to make a decision that for the moment might be alike unpopular. Are we going to establish a system which may remove a man for having the courage to do his duty?

And let us further note that the history of Kentucky affords another very striking example of the pernicious and dangerous influence of popular clamor as it affects the state judiciary. In 1820, after a prolonged financial panic and at the insistent demand of the people, a law was passed chartering what was known as the "Bank of the Commonwealth." A case involving this bank came before Judge

Clark, a circuit judge, and he declared the law unconstitutional. His life was threatened, his honor assailed, and a party was created to address him out of office, but in the meantime the case was appealed to the Supreme Court of Kentucky and they affirmed Judge Clark's decision, also declaring this law unconstitutional. In spite of the fact that two courts had concurred in this decision the people were still frantic in their abuse. A relief party was organized to address the judges out of office. Failing to obtain enough majority to do that, they actually passed a law abolishing the existing Supreme Court and established another court of three members. The old court refused to abscond and Kentucky had two sets of courts for two years. If the people could be so unreasonable as this under the existing laws of Kentucky, who could measure the extent of their caprices under the responsive and ever-ready recall?

And you will further note that the experience of the recall as applied to administrative officers demonstrates this same danger. In the city of Tacoma, Washington, the Mayor was recalled last May because he enforced the liquor laws and stopped a prize fight. There were ten thousand people at the prize ring when the Mayor entered and stopped the fight in accordance with the law. The spectators indignant because of his interference left almost in a body and signed his recall petition, and in forty days he was dismissed from office. This same thing might well have happened in the case of a judge who might have issued an injunction against this very prize fight. If a judge in such a position wished to retain his office, it would be at the expense of his honor and integrity. It establishes a system of terrorism instead of a system of law. Why extend such a system to the judiciary — the most dignified of all our

branches of government — which works so unsatisfactorily upon administrative officers? Are we ready to establish this pernicious and dangerous popular recall even though it be in the name of democracy? Because it places the judge dependent upon popular clamor, I maintain that it is unsafe and should not be established.

IV. Remedy.

And now having shown the falsity and inadequacy of the popular recall of judges we will suggest a remedy for existing evils in our judicial system. Beginning at the source of the trouble we would first suggest that our methods of legal procedure should be altered so as to expedite legislation, for, as we have shown, this is one of the chief means of present-day evils. This being done, we would suggest a system which will cure the evil effects of the present plan of electing judges at a popular election. The plan which we propose is the one used in England as it was copied and adjusted to fit the needs of the State of Massachusetts. The constitution of Massachusetts provides that "All judicial officers, duly appointed and sworn, shall hold their offices during good behavior, excepting such concerning whom there is a different provision made in this constitution. Provided, nevertheless, the Governor with the consent of the council may remove them upon the address of both houses of the legislature."

In short, the Massachusetts system as it is operated to-day is this: all judges are appointed by the Governor, and approved by the legislature, their term of office being for life or during good behavior. Local justices are appointed for terms of seven years. The methods of removing a judge, as stated by the constitution, are two in number: first, impeachment for bad behavior in office or misconduct, carrying with it a criminal trial; second, the Governor with

both houses of the legislature may address him out of office.

This power of removal by address under the Massachusetts constitution was restricted by Justice Story in a famous decision in 1820 to causes relating only to physical and mental incapacity. Any alleged misconduct in office must come under the head of impeachment. He cannot be addressed out of office for political reasons. There has been one case of insanity where it was necessary to address a judge out of office without the attendant disgrace of impeachment.

The appointment of judges for life has many advantages: it takes the judge out of politics; it places the responsibility upon the appointing source to select efficient men; it makes the judge independent either of special interest or of popular clamor; it gives him every incentive to give adequate and efficient service. In Massachusetts it has been the custom for years for judges to be appointed at the recommendation of the State Bar Association who as lawyers are naturally just as interested in procuring able judges before which to try their cases as we are interested in procuring competent judges for this debate to night. And you will please note, too, that the decisions of the Supreme Court of Massachusetts are recognized by every reputable lawyer as being second only to those of the United States Supreme Court.

And now, ladies and gentlemen, is it well to extend a system that offers no solution for any present difficulties; that has failed to work where applied to administrative officers; that is not approved by time and experience, and that is at best but a dangerous experiment? Or shall we better establish a system which does offer a solution for present difficulties, which is commended by precedence and experience; which has made the judiciary of England for

more than a hundred years one of the best in the world; which has worked with such signal success in the State of Massachusetts, having the oldest constitution of any of the American States? Because, then, this system has worked in an American State and is better than the recall, I maintain that the popular recall should not be extended throughout all the States of the Union.

And now in conclusion: my first colleague has proved that the recall of judges is IMPRACTICAL: first, because it does not remedy present evils; second, because it has not worked well where tried upon administrative officers. My second colleague has proved that it is UNJUST: first, to the judge, and, second, to the people. I have proved that it is UNSAFE: first, because it would develop an inefficient judiciary, and, second, because it would make a judge dependent upon a dangerous popular clamor. Having done this, we have suggested a remedy for the present evils and have offered a substitute for the recall, which will correct the evils of our present system, and which is practical, just, and safe. For these reasons we maintain that "All judges other than federal should not be subject to the recall."

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APPENDIXES

**Containing Statistics on Debating Among American Colleges and
Universities for the School Year 1910-11, with Partial
Records of Previous Years, Also a List of
General References on Debating.**

**Compiled by the editor from reports from about one hundred and fifty
colleges and universities.**

APPENDIX I

LIST OF DEBATING ORGANIZATIONS BY STATES.

ALABAMA.

Talladega College, Talladega; Atlanta Baptist College, Atlanta, Ga.; Knoxville College, Knoxville, Tenn.
1909-10 (?), First Year. Agreement indefinite.
Question. (Not stated in report.)
Decisions. Knoxville won over Tallegda; other report not clear.

ARKANSAS.

PENTAGONAL LEAGUE.

University of Arkansas, Fayetteville; University of Louisiana, Baton Rouge; University of Mississippi, Oxford; University of Texas, Austin; University of Tennessee, Knoxville.
1910-11, First Year. Agreement indefinite.
Question. *Resolved*, That the system of direct legislation known as the Initiative and Referendum should be generally adopted in the several states.
Decisions. Arkansas, Negative, won from Tennessee, Affirmative; Texas, Affirmative, won from Tennessee, Negative; Mississippi, Affirmative, lost to Texas, Negative. Other debates not reported.

CALIFORNIA.

Pomona College, Claremont; Occidental College, Los Angeles; University of Southern California, Los Angeles.
1911-12. First Year. Agreement for three years.

PACIFIC COAST DEBATING LEAGUE.

Leland Stanford University, Palo Alto, Calif.; University of Oregon, Eugene, Ore.; University of Washington, Seattle, Wash. 1910-11. First Year. Agreement indefinite in duration.

Question. *Resolved*, That the United States should establish a system of Shipping Subsidies.

Decisions. Stanford, Affirmative 1, Oregon, Negative 2; Stanford, Negative 0, Washington, Affirmative 3; Oregon, Affirmative 2, Washington, Negative 1.

COLORADO.

University of Colorado, Boulder; University of Kansas, Lawrence; University of Oklahoma, Norman.

1910-11. First Year. Duration of agreement, 2 years.

Question. *Resolved*, That the Short Ballot should be adopted in State, County, and Municipal Elections.

Decisions. Colorado, Affirmative 2, University of Kansas, Negative 1; Colorado, Negative 2, University of Oklahoma 1; University of Kansas, Affirmative 3, University of Oklahoma 0.

Debating Manager. Colorado, Herman Weinbergen. Kansas, Prof. Gesell, Coach. Oklahoma, Paul A. Walker, Coach.

CONNECTICUT.

Connecticut Wesleyan, Middletown; Williams College, Williamstown, Mass.; Amherst College, Amherst, Mass.

1900 (?). First Year. Agreement renewed every two years. (See College Debating Record. Appendix II.)

Question for 1910. *Resolved*, That the income tax should be made a part of our federal taxing system. (Constitutionality waived.)

Decisions. Wesleyan, Affirmative, won over Amherst, Negative; Wesleyan, Negative, lost to Williams, Affirmative; Williams, Negative, won from Amherst, Affirmative.

Debate Manager. Wesleyan, Carl S. Coit; A. A. House, Middletown, Conn.

Yale University, New Haven; Harvard University, Cambridge, Mass.; Princeton University, Princeton, N. J.

1909. First Year of Triangular. Duration of agreement, indefinite.

Question 1910. *Resolved*, That the federal government should have the power to impose an income tax not apportioned among the states according to population.

Decisions. Yale, Affirmative vs. Princeton, Yale won (?); Yale, Negative, lost to Harvard, Affirmative; Princeton, Affirmative, lost to Harvard, Negative.

DISTRICT OF COLUMBIA.

Howard University, Washington, D. C.; Atlanta University, Atlanta, Ga.; Fisk University, Nashville, Tenn.

1909. First Year. Agreement for two years, will probably not be renewed.

Question 1909. Income tax. Howard won on both sides.

Question 1910. *Resolved*, That the Initiative and Referendum should be made a part of our state governments. Howard won on both sides.

GEORGIA.

University of Georgia, Athens; University of Va., Charlottesville; Vanderbilt, Nashville, Tenn.

1909-10. First Year. Developed into Pentagonal League, 1910-11.

Question. *Resolved*, That in the Southern States, cities with a population of between twenty-five and one hundred thousand, should in general vest all power of municipal government in a commission of not more than seven men, elected by the voters at large.

Decisions. Virginia, Negative, won 2, to 1, from Vanderbilt; Virginia, Affirmative, lost 2 to 1 to Georgia; Vanderbilt, Negative, won 2 to 1 from Georgia.

PENTAGONAL LEAGUE.

University of Georgia, Athens; University of Virginia, Charlottesville; Vanderbilt University, Nashville, Tenn.; Tulane University, New Orleans, La.; University of N. Carolina, Chapel Hill, N. Carolina.

1910-11. First Year. Duration of agreement, 2 to 3 years.

Question. *Resolved*, That a federal income tax would be a desirable part of our scheme of taxation. (Constitutionality granted.)

Decisions. Virginia 2, N. Carolina 1; Virginia 1, Vanderbilt 2; Georgia 1, N. Carolina 2; Georgia 1, Tulane 2; Vanderbilt 2, Tulane 1.

Atlanta Baptist College, Atlanta. (See Alabama.)

ILLINOIS.

PRAIRIE STATE DEBATE LEAGUE.

Illinois Wesleyan, Bloomington, Ill.; Illinois College, Jacksonville, Ill.; James Milliken University, Decatur, Ill.

1910-11. First Year. Duration of argument three years.

Question. *Resolved*, That according to Illinois Law the Cities of the State should Adopt the Commission Form of Government.

Decisions. Illinois Wesleyan 1, Illinois College 2; Illinois College, Affirmative 1, J. Milliken 2; Illinois Wesleyan, Negative, won over Milliken, Affirmative.

CENTRAL DEBATING LEAGUE.

Chicago University, Chicago, Ill.; Northwestern University, Evanston, Ill.; Michigan University, Ann Arbor, Mich.

(Originally this League included Minnesota, [i. e.] from 1899 to 1906.)

1906. First Year of the Triangular. Duration of agreement indefinite.

Question. Resolved, That the Federal Government should levy a Graduated Income Tax, constitutionality conceded.

Decisions. Each school won on the Affirmative.

CENTRAL DEBATING CIRCUIT.

University of Illinois; University of Wisconsin; University of Iowa; University of Minnesota; University of Nebraska.

1906-7. First Year. Time expired 1910. Agreement renewed.

Question for 1910. *Resolved*, That the Movement of Organized Labor for the Closed Shop should receive the support of Public Opinion.

Decisions. Illinois, Affirmative 1, Nebraska, Negative 2; Illinois; Negative 3, Minnesota 0; Iowa 2, Minnesota 1; Iowa 3, Wisconsin 0; Nebraska 2, Wisconsin 1.

Previous Records.

1906-7. **Question.** *Resolved*, That the Cities of the United States should seek the Solution of the Street Railway Problem through Private Ownership.

1907-8. *Resolved*, That the Federal Government should exercise exclusive control over all Transportation Corporations doing an Inter-State Business.

1908-9. *Resolved*, That American cities should adopt a commission form of government.

1909-10. *Resolved*, That a graduated income tax with an exemption of income below \$5,000 per annum, would be a desirable modification of the system of federal taxation.

Teams named on left hand debated the Affirmative at home.

1906-7.

Iowa	0	Minnesota	3
Illinois	2	Nebraska	1
Wisconsin	3	Iowa	0
Nebraska	0	Wisconsin	3

1907-8.

Iowa	3	Illinois	0
Illinois	2	Wisconsin	1
Minnesota	2	Nebraska	1
Nebraska	3	Iowa	0

1908-9.

Iowa	3	Wisconsin	0
Illinois	3	Minnesota	0
Wisconsin	2	Nebraska	1
Minnesota	1	Iowa	2
Nebraska	2	Illinois	1

1909-10.

Iowa	2	Nebraska	1
Illinois	0	Iowa	3
Wisconsin	0	Illinois	3
Minnesota	2	Wisconsin	1
Nebraska	1	Minnesota	2

	Won.	Lost.
Iowa	7	3
Illinois	5	5
Wisconsin	4	6
Minnesota	5	5
Nebraska	4	6

Questions submitted in the Central Circuit from which a question for 1911-12 is to be chosen.

Iowa. *Resolved*, That the central government should establish a central bank in the United States.

Illinois. *Resolved*, That the federal government should establish a parcel's post.

Wisconsin. *Resolved*, That the United States should adopt a policy of shipping subsidies.

Minnesota. *Resolved*, That the best interests of the laboring classes could be advanced by the development of a separate labor party.

Nebraska. *Resolved*, That the initiative and referendum offer a desirable relief from the evils arising from the dominance of special interests in our state and municipalities.

The question submitted by Iowa was chosen. The one sent in by Wisconsin received second place.

Sec. Central Debating Circuit, Prof. F. M. Rarig, Minneapolis, Minn.

THE STATE UNIVERSITY DEBATING LEAGUE.

Illinois University, Urbana, Ill.; Indiana University, Bloomington, Ind.; Ohio University, Columbus, O.

First Year. Duration of agreement, indefinite.

Question. *Resolved*, That each state of the Union should enact laws providing for compulsory arbitration of labor disputes. Constitutionality granted.

Decisions. Illinois, Affirmative 1, Indiana, Negative 2; Illinois, Negative 1, Ohio, Affirmative 2; Indiana, Affirmative, won from Ohio, Negative.

INDIANA.

Indiana University, Bloomington, Ind.; DePauw University, Greencastle, Ind.; Wabash College, Crawfordsville, Ind.

1910-11. First Year of agreement. Duration indefinite.

Question. *Resolved*, That Indiana should adopt the initiative and referendum plan of government.

Decisions. Indiana University, Affirmative won from Wabash, Negative; Indiana, Negative 2, DePauw 1; Wabash, Affirmative 1, DePauw, Negative 2.

Butler College, Indianapolis, Ind.; Miami University, Oxford, O.; Ohio University, Athens, O.

1910. First Year. Ohio University withdrew, a dual meet between Butler and Miami resulted. Each school won on the Affirmative at home.

Question. *Resolved*, That the U. S. should establish a Central Bank.

IOWA.

University of Iowa. See Central Debating Circuit, Illinois.

Iowa State College, Ames; Grinnell College, Grinnell; Drake University, Des Moines.

1906. First Year. Duration of agreement indefinite.

Question 1910. *Resolved*, That reciprocity between the U. S. and Canada on home products should be established.

Decisions. Ames won on both sides. Grinnell won 2 to 1 on the Affirmative from Drake. Drake lost both sides.

GIRLS' TRIANGULAR LEAGUE.

Iowa Wesleyan, Mt. Pleasant; Simpson College, Indianola; Iowa Central University, Pella.

1910-11. First Year. Agreement for three years.

Question. *Resolved*, That a Commission Form of Government should be adopted by all cities of over 25,000 inhabitants in the U. S.

Decisions. Iowa Wesleyan, Affirmative 0, Central 3; Iowa Wesleyan, Negative, won from Simpson; Simpson, Negative, won from Central. Negative won all around.

Penn College, Oskaloosa; Parsons College, Fairfield; Leander Clark College, Toledo, Ia.

1910. First Year. Agreement until 1913.

Question. *Resolved*, That the power of the federal government should be paramount to that of the states in the conservation of natural resources.

Decisions. Penn, Affirmative 2, Leander Clark 1; Parsons, Affirmative 1, Penn, Negative 2; Leander Clark, Affirmative 3, Parsons 0.

Morningside College, Sioux City; Upper Iowa College, Fayette; Simpson College, Indianola.

First Year. Agreement broken by Simpson 1910, six weeks before time of debate. The two remaining schools met in dual debate each winning on the Affirmative.

Question. *Resolved*, That the parliamentary form of government is better adapted to the needs of a progressive and democratic nation than the presidential form.

THE TRI-STATE DEBATING LEAGUE.

Coe College, Cedar Rapids; Ripon College, Ripon, Wis.; Carleton College, Northfield, Minn.

1909-10. First Year. One more year to run.

Question 1909-10. *Resolved*, That the cities of the U. S. between 25,000 and 100,000 should adopt the commission form of government.

Decisions. Ripon, Affirmative 1, Coe College 2; Carleton, Affirmative 3, Ripon, Negative 0. Carleton-Coe not held.

Question, 1910-11. *Resolved*, That the Federal Government should adopt an income tax provided it were constitutional.

Decisions. Carleton, Affirmative 3, Coe, Negative 0; Coe, Affirmative 2, Ripon, Negative 1; Ripon, Affirmative 1, Carleton, Negative 2.

KANSAS.

University of Kansas. (See Colorado.)

Southwestern College, Winfield, Kansas; Epworth University, Oklahoma City; Oklahoma Baptist College, Blackwell, Okla. 1910-11. First Year. Agreement indefinite.

Question. *Resolved*, That labor unions are beneficial to society in the U. S.

Decisions. Southwestern won on both sides. Epworth-Blackwell debate not reported.

LOUISIANA.

Tulane (See Georgia—Pentagonal League.)

University of Louisiana (See Arkansas.)

MARYLAND.

Johns Hopkins University, Baltimore; Washington and Lee, Lexington, Va.; Pennsylvania College, Gettysburg, Pa.

1910-11. First Year. Agreement indefinite.

Question. *Resolved*, That the present distribution of power between the federal and state governments should be revised in pursuance of a general policy of further centralization.

Decisions. For the Negative as far as ascertained.

MASSACHUSETTS.

Harvard University (See Connecticut, Yale.)

Amherst College, Amherst (See Connecticut—Wesleyan.)

Williams College, Williamstown (See Connecticut—Wesleyan.)

Williams College, Williamstown; Dartmouth College, Hanover, N. H.; Brown University, Providence, R. I.

1905-6. First Year. Duration of agreement indefinite.

THE RECORD BY YEARS FOLLOWS.

- Question, 1906. *Resolved*, That it would be for the best interests of American Colleges that no money be expended for traveling expenses, maintenance, equipment and coaching of athletic teams engaged in athletic contests, except from voluntary bona fide subscriptions of the student body. (Brown won on both sides of the question.)
1907. *Resolved*, That armed intervention is not justifiable on the part of any nation to collect in behalf of private individuals, financial claims against any American nation. (Brown won Affirmative and Negative.)
1908. *Resolved*, That in the larger New England States all the powers of city government should be vested in a commission of not more than nine men elected by the voters at large without the assistance of any other representative body. (Brown won from Williams on the Affirmative and lost to Dartmouth on the Negative.)
1909. *Resolved*, That Postmaster Gen. Meyer's postal savings bank scheme be adopted in the U. S. (Brown won from Dartmouth on the Affirmative and lost to Williams on the Negative.)
1910. *Resolved*, That throughout the U. S. proper women be granted suffrage on the same terms as now granted to men. (Brown won from Williams on the Affirmative, and lost to Dartmouth on the Negative.)
1911. *Resolved*, That a tax on the rental value of land inclusive of improvements be substituted for the general property tax.

Decisions. Brown won from Dartmouth on the Affirmative, lost to Williams on the Negative. Other debate not reported.

MICHIGAN.

Hope College, Holland, Mich.; Alma College, Alma, Mich.; Olivet College, Olivet, Mich.

1908-9. First Year. Agreement for three years. Will probably be renewed.

Question 1909. *Resolved*, That the U. S. Government should enlarge her navy.

1910. *Resolved*, That the U. S. should levy a progressive income tax, constitutionally conceded.

1911. *Resolved*, That in cities of over 20,000 the commission plan of government be adopted.

Decisions 1909. Hope, Affirmative, lost to Olivet, Negative; Olivet, Affirmative won, Alma, Negative lost; Alma, Affirmative, won over Hope, Negative.

1910. Alma, Affirmative, won over Olivet, Negative; Hope, Affirmative, won over Alma, Negative; Olivet, Affirmative, lost to Hope, Negative.

1911. Olivet, Affirmative, won over Alma, Negative; Hope, Affirmative, won, Olivet, Negative lost; Alma, Affirmative, won over Hope, Negative.

Michigan University. (See Illinois—Central Debating League.)

MINNESOTA.

University of Minnesota. (See Illinois—Central Debating Circuit.)

Carleton College. (See Iowa—Tri-State Debating League.)

MISSOURI.

Missouri Valley College, Marshall; Central College, Fayette; Westminster College, Fulton, Mo.

1910-11. The First Year. Duration of agreement three years.

Question. *Resolved*, That United States Senators should be elected by direct popular vote.

Decisions. Two to one for the Affirmative in all three debates.

MISSISSIPPI.

University of Mississippi, Oxford. (See Arkansas.)

NEBRASKA.

University of Nebraska. (See Illinois—Central Debating Circuit.)

Cotner University. Bethany (Lincoln), Neb.; Doane College, Crete, Neb.; Bellevue College, Bellevue, Neb.

1908. First Year. Duration of agreement indefinite.

Question, 1910. *Resolved*, That our legislation should be shaped toward the abandonment of the protective tariff.

Decisions, 1911. Cotner, Affirmative and Negative, both won; other debate not reported. Cotner has won five out of eight debates in the triangular.

NEW YORK.

Cornell University, Ithaca; Columbia University, New York City; University of Pennsylvania, Philadelphia.

1904. First Year. Duration of agreement, three years at a time—indefinite on account of renewal.

Question for 1911. *Resolved*, That the ownership of the forest and mineral lands now owned by the United States in the several states should be retained by the Federal Government.

Decisions. Cornell Affirmative won over Pennsylvania, Negative; Columbia, Affirmative, lost to Cornell, Negative; other debate not reported.

Colgate University, Hamilton; Union College, Schenectady; Hamilton College, Clinton.

1910. First Year. Duration of agreement three years.

Question, 1910. *Resolved*, That aside from constitutionality of the measure, a graduated income tax should be a part of the federal system of taxation.

1911. *Resolved*, That the constitution of the State of New York

should be so amended as to provide for the initiative and referendum.

Decisions, 1910. Colgate, Affirmative, lost to Hamilton, Negative; Union, Affirmative, lost to Colgate, Negative; other debate not reported.

1911. Colgate, Affirmative, won from Union, Negative; Hamilton, Affirmative, lost to Colgate, Negative; other debate not reported.

NORTH CAROLINA.

University of North Carolina, Chapel Hill. (See Georgia—Pentagonal League.)

NEW HAMPSHIRE.

Dartmouth. (See Massachusetts—Williams, etc.)

OHIO.

Hiram College, Hiram; Mt. Union College, Alliance; Muskingum College, New Concord, Ohio.

1910-11. First Year. Agreement indefinite.

Question. *Resolved*, That the United States should establish a government central bank. (Constitutionality conceded.)

Decisions. Hiram, Affirmative, won 2 to 1 over Mt. Union, Negative; Muskingum, Affirmative, won over Hiram, Negative; Mt. Union, Affirmative, won unanimous decision over Muskingum, Negative.

University of Wooster, Wooster; University of Pittsburgh, Pittsburgh, Pa.; Allegheny College, Meadville, Pa.

First Year.—Duration of agreement, three years.

Question. *Resolved*, That the federal government should impose an income tax not apportioned among the states according to population, constitutionality conceded.

Decisions. Wooster, Affirmative, won over Pittsburgh; Allegheny, Affirmative, won over Wooster; Pittsburgh, Affirma-

tive, won over Allegheny. (See Allegheny College, Appendix II.)

Ohio University. (See Illinois—State University League.)

Miami University. (See Indiana—Butler College.)

Ohio University at Athens. (See Indiana—Butler College.)

Heidelberg University, Tiffin; Otterbein College, Westerville; Buchtel College, Akron.

1910-11. First Year. Duration of agreement, indefinite.

Question. *Resolved*, That our legislation should be shaped toward the gradual ultimate abandonment of the protective tariff.

Decisions. Heidelberg, Affirmative 3, Buchtel, Negative 0; Otterbein, Affirmative 1, Heidelberg, Negative 1; one judge failed to appear—other debate not reported.

OHIO INTERCOLLEGIATE DEBATING LEAGUE.

Ohio Wesleyan University, Delaware; Oberlin University, Oberlin, Western Reserve University, Cleveland.

1905. First Year. Agreement, indefinite.

Question, 1910-11. *Resolved*, That Congress should provide for the establishment of a Central Bank, constitutionality conceded.

Decisions. Ohio Wesleyan, Affirmative, won over Western Reserve; Oberlin, Affirmative, won over Wesleyan, Negative; Reserve, Affirmative, won over Oberlin, Negative.

Question for 1911-12. *Resolved*, That all elective administrative officials in Ohio should be subject to the recall.

RECORD OF THE OHIO INTERCOLLEGIATE DEBATING LEAGUE.

Wesleyan against Oberlin, won 3, lost 3.

Wesleyan against Reserve, won 5, lost 1.

Oberlin against Reserve, won 2, lost 4.

OKLAHOMA.

University of Oklahoma, Norman. (See Colorado.)

OREGON.

University of Oregon. (See California, Pacific Coast Debating League.)

PENNSYLVANIA.

Allegheny College, Meadville, Pittsburgh University. (See Ohio—Wooster.)

Pennsylvania College, State College, Pa.; Dickinson College, Carlisle; Swarthmore College, Swarthmore; Franklin and Marshall, Lancaster, Pa.

1903. First Year. Agreement, indefinite.

Question, 1910-11. *Resolved*, That our legislation should be shaped toward the gradual abandonment of the protective tariff.

Decisions. Dickinson, Affirmative, won from State College, Negative; Dickinson, Negative, won from Franklin and Marshall, Affirmative; Franklin and Marshall, Negative, won from Swarthmore, Affirmative; Swarthmore, Negative, won from State College, Affirmative.

RECORD.

Question, 1908. Retention of Philippines.

1904. Government ownership of railways.

1905. Colonies benefit the mother country.

1906. Popular election of Senators.

1907. Popular election of Supreme Court Justices.

1908. Federal charter for Interstate Corporations.

1909. Inheritance Tax.

1910. Restriction of Immigration.

1911. Abandonment of Protective Tariff.

Decisions, 1903. Franklin and Marshall won from State; Dickinson won from Swarthmore. Final—Franklin and Marshall won from Dickinson.

1904. Dickinson won from State; Swarthmore from Franklin and Marshall. Final—Swarthmore won from Dickinson.

1905. State won from Franklin and Marshall; Dickinson from Swarthmore. Final—State won from Dickinson.

1906. State won from Swarthmore; Dickinson from Franklin and Marshall. Final—Dickinson won from State.

1907. State won from Dickinson; Swarthmore from Franklin and Marshall. Final—State won from Swarthmore.

1908. Swarthmore won from State; Franklin and Marshall from Dickinson. Final—Franklin and Marshall won from Swarthmore.

1909. State won from Franklin and Marshall; Swarthmore from Dickinson. Final—State won from Swarthmore.

NEW PLAN.

1910-11. Given above.

University of Pennsylvania. (See New York—Cornell.)

RHODE ISLAND.

Brown University. (See Massachusetts, Williams College.)

TENNESSEE.

Vanderbilt University. (See Georgia—Pentagonal League.)

Knoxville College, Knoxville. (See Alabama.)

PENTAGONAL LEAGUE.

University of Tennessee. (See Arkansas.)

TEXAS.

University of Texas. (See Arkansas.)

VIRGINIA.

University of Virginia. (See Georgia—Pentagonal League.)

WASHINGTON.

University of Washington. (See California—Pacific Coast League.)

WISCONSIN.

University of Wisconsin. (See Illinois—Central Debating League.)

Ripon College. (See Iowa—Tri-State Debating League.)

ORGANIZATIONS PLANNED FOR NEXT YEAR.

Pentagonal. Colorado, Kansas, Missouri, Texas, and Oklahoma Universities.

Triangular. South Dakota, Wesleyan, Yankton College, South Dakota, and Huron College, South Dakota. (?)

Triangular. Beloit College, Wisconsin; Knox College, Illinois and Cornell College, Iowa.

Triangular. Washington University, Seattle; Washington State College, Pullman, and Whitman College, Walla Walla.

SCHOOLS DESIRING TRIANGULAR LEAGUES.

Simpson College, Indianola, Ia.

Ottawa University, Ottawa, Kans. (With Kansas Schools.)

Drury College, Springfield, Mo.

Monmouth College, Monmouth, Ill.

University of Maine, Orono, Me.

APPENDIX II

List of Schools Engaged in Forensic Work, with Names of
Coaches, Managers of Debating, Questions for
Debate, Records of Decisions, etc., Arranged
Alphabetically by States.

ALABAMA.

Southern University. Greensboro. Methodist Episcopal
South. Mr. D. C. Christenberry, Coach. Record for
1910-11.

Lost to Millsaps College. Jackson, Miss. Two men on team.
Chosen by Literary Society.

Question—Resolved, That American cities with a population
of 4,000 and upwards should adopt the Commission Form
of Government.

Talladega College. Talladega Congregational. Mr. Wm.
Pickens, Coach. Record for 1910-11:

Lost to Knoxville College, Knoxville, Tenn., 2 to 1. Team
chosen in primary.

Won from Atlanta Baptist College, Atlanta, Ga.

Question—Not given.

Talladega has lost twice to Knoxville; stands 4 to 4 with
Atlanta.

ARKANSAS.

Arkansas University. Fayetteville. Non-Sectarian.

Lost to Wm. Jewell College at Liberty, Mo. (See Missouri.)

Won from Tennessee University. (See Tennessee.)

Henderson College. Arkadelphia. Methodist Episcopal
South. Gus Brown, Coach.

Debaters elected by organization. Officers of local club—
Tom Clark, Edwin Patterson, Woleford Baker.

CALIFORNIA.

Leland Stanford University. Stanford University. Non-Sectarian. L. E. Bossett. (No coach.)

Annual debate with University of California for 18 years. Record not given.

Triangular—Lost to Oregon University 2 to 1; lost to Washington University 3 to 0. Subject—Ship Subsidy. Debaters chosen in primary. (See California, Appendix I.)

Occidental College. Los Angeles. Non-Sectarian. Prof. John P. Odell, Dr. T. G. Burt, A. G. Paul—Address at Occidental College, Los Angeles.

Annual debate—Pomona College. Occidental College won. Debaters chosen in primary.

Annual debate—University of Southern California. University of Southern California won. Debaters chosen in primary.

Subjects—With Pomona—Resolved, That Labor Unions are justified in insisting, by all lawful means at their disposal, on a "closed shop." Conceded points. A "closed shop" is a shop governed by rules and regulations prescribed by labor unions. 2. Justification is determined by the effect of the closed shop upon society as a whole. 3. Strikes, boycotts, and picketing are "lawful means," provided there is no violence to life or property. Affirmative won.

With University of Southern California—Resolved, That all corporations doing an interstate business should be required to be incorporated under the Federal Government. (Constitutionality conceded.) Affirmative won.

Pomona College. Claremont. Non-Sectarian. A. M. Brace, Coach. Student Manager, Floyd Lorbeer. Debaters chosen by primary contest. (For record see Occidental College, California.) Record previous to 1910-11:

- With Occidental College, Los Angeles. 1908—**Graduated Income Tax. At Claremont. Pomona, Negative, won.
- With Occidental College, Los Angeles. 1909—**Should the United States increase her Navy. At Los Angeles. Occidental College, Affirmative, won.
- With Occidental College, Los Angeles. 1910—**Should all Railroads doing an interstate business be required to incorporate under the Federal Government. At Claremont. Occidental College, Affirmative, won.

University of California. Berkeley. Non-Sectarian.
Debated Stanford—No report.

University of Southern California, Los Angeles. Methodist Episcopal. Geo. F. Bovard, President. (See Occidental College, above, and University of Redlands, below.)

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- University of Redlands. Redlands. Baptist. Dr. George B. Knight, Coach. Debaters chosen in primary. Record:**
- 1911—**With University of Southern California. Question—Resolved, That the Philippine Islands should be neutralized within the present administration. University of Southern California won.
- 1910—**With University of Southern California Law School. Question—Resolved, That the United States Government should establish a steamship line plying between New York and San Francisco. Law School won on Negative.

COLORADO.

- Colorado College. Colorado Springs. Non-Sectarian. W. F. Slocum, President. Record for 1910-11:**
- Annual debate—**Denver University. Won by Colorado College, 3 to 0, at Colorado Springs.
- Question—**Resolved, That the United States should have a navy next in size to Great Britain. Denver University, Affirmative; Colorado College, Negative. Former record:
- 1909—**Resolved, That the tariff should be levied for revenue only, provided that the change be made within the next

eight years. At Colorado Springs. Denver University, 2; Colorado College, 1.

- 1910—Resolved, That the Direct Primary System of party nominations should be adopted by the states. At Denver. Denver University, 3; Colorado College, 0.
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University of Denver. Denver. Methodist Episcopal. No coach. (Primary system.) Manager of debate, Earl Wettengel, 1031 Bannock Street, Denver, Colo. President Debating Club, Ben Martinez, University of Denver, Denver.

- 1911—With Colorado College. (See above.)

1911—With Washburn College, Topeka, Kan. Question—Resolved, That the Initiative and Referendum should be made a part of the legislative system of Kansas. At Topeka. Washburn College, 2; University of Denver, 1.

- 1910—With Washburn College, Topeka, Kan. Question—Resolved, That the states and nation should pass a Bank Guarantee Law. (Constitutionality waived.) At Denver. University of Denver, 2; Washburn College, 1.

1911—With the University of Utah. Question—Resolved, That the Conservation Policy of this country should be left to the states rather than to the national government. At Denver. University of South Dakota, 2; University of Denver, 1.

- 1911—With the University of Utah. Question—Resolved, That the United States should establish a more extensive ship subsidy. At Denver. University of Utah, 3; University of Denver, 0.
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University of Colorado. Boulder. Non-Sectarian. A. G. Pierrot, Coach. Primary system. Manager of debate, Herman Weinberger. Record for 1911:

- Triangular—With University of Kansas, Lawrence; and University of Oklahoma, Norman. University of Colorado won both 2 to 1. Question—Resolved, That the Short Ballot should be adopted in state, county and municipal elections.

Annual debate—With University of South Dakota. At Vermillion. Question—Resolved, That the conservation of the natural resources of the United States should be left to the individual states rather than to the federal government. University of South Dakota won, 2 to 1.

CONNECTICUT.

Wesleyan University. Middletown. Non-Sectarian. Carl S. Coit, Manager, Alpha Delta Theta House. George Buck, President Debating Club, Delta Kappa Epsilon House. Primary system. Record:

1911—Triangular—With Williams and Amherst. Question—Resolved, That the Income Tax should be made a part of our federal taxing system. Won Affirmative from Amherst; lost Negative to Williams.

1911—With Bowdoin College and New York University. Question—Resolved, That a Graduated Income Tax should be made a part of our federal taxing system. Lost Affirmative to New York University; won Negative from Bowdoin College.

Previous record with Williams:

1900—Won by Williams. At Williamstown.

1901—Won by Wesleyan. At Middletown.

1902—Won by Williams. At Williamstown.

1903—Won by Wesleyan. At Middletown.

1904—Won by Wesleyan. At Williamstown.

1905—Won by Wesleyan. At Middletown.

1906—Won by Wesleyan. At Williamstown.

1907—Won by Wesleyan. At Middletown.

1908—Won by Williams. At Williamstown.

Record with Amherst:

1906—Won by Amherst. At Middletown.

1907—Won by Wesleyan. At Amherst.

1908—Won by Wesleyan. At Middletown.

Yale University. New Haven. Non-Sectarian.

Triangular—With Harvard and Princeton. (See Appendix I.)

DISTRICT OF COLUMBIA.

Georgetown University. Washington. Roman Catholic. Mark J. McNeal, Coach. Debaters chosen through contest by coach.

Annual debate—With Boston College, Boston, Mass. Boston won in 1910 and 1911.

Howard University. Washington. Non-Sectarian. B. G. Brawley, Coach. Primary system.

Triangular—With Fisk University, Nashville, Tenn., and Atlanta University, Atlanta, Ga.

1910—The Income Tax. Howard University won on both sides.

1911—Resolved, That the Initiative and Referendum should be made a part of our state government. Howard University won on both sides.

GEORGIA.

Atlanta University. Atlanta. Non-sectarian. (See Howard University, Washington, D. C.)

University of Georgia. Athens. Non-Sectarian. H. A. Nix, Department Public Speaking. R. E. Park, Department of English. P. F. Brock, Secretary Debating League. Primary system.

Pentagonal—(See Georgia, Appendix I.)

1911—Lost to Tulane and to North Carolina Universities.

Question—Resolved, That a federal income tax would be a desirable part of our scheme of taxation. (Constitutionality granted.)

Before 1911—Lost five debates to University of North Carolina and won four. Lost one and won one from Vanderbilt. Won one from University of Virginia.

ILLINOIS.

Augustana College. Rock Island. Lutheran. (See Lombard College, Illinois, below.)

Carthage College. Carthage. Lutheran. Prof. S. N. Carpenter, Coach. Literary societies choose debaters who compete for teams.

Annual debate—With Christian University, Canton, Mo. Question—Resolved, That our legislation should be shaped toward the abandonment of our Protective Tariff. Won by Carthage College, Affirmative.

With Hedding College, Abingdon, Ill. Question—Resolved, That the welfare of the American public demands the Open rather than the Closed Shop Policy. Won by Carthage College, Affirmative.

Ewing College—Does not debate.

Hedding College. Abingdon. Methodist Episcopal. (See Carthage College, Illinois, above.)

Illinois College. Jacksonville. Presbyterian. Carl E. Robinson, Coach. Primary contests in the two literary societies. Triangular—With James Milliken, Decatur, and Illinois Wesleyan, Bloomington. Question—Resolved, That according to the Illinois law the cities of the state should adopt the Commission Form of Government. Won from Wesleyan, 2 to 1; lost to Milliken, 2 to 1.

Illinois Wesleyan University. Bloomington. Methodist Episcopal. P. C. Somerville, Coach. Primary system. Triangular—With Illinois College and Milliken University. (See Illinois College, immediately above.) Won from Milliken.

1910—Annual debate with Iowa Wesleyan. Income Tax. Illinois Wesleyan won.

1911—Annual debate with Iowa Wesleyan. Open vs. Closed Shop. Illinois Wesleyan won.

1910—Annual debate with Northwestern College, Naperville, Ill. Income Tax. Illinois Wesleyan won.

1911—Annual debate with Northwestern College. Open vs. Closed Shop. Northwestern College won.

James Milliken. Decatur. Presbyterian. (See Illinois College and Illinois Wesleyan University, above.)

- Knox College.** Galesburg. Non-Sectarian. Dwight E. Watkins, professor public speaking. Alvah Peterson, President Oratorical Association. Primary contest.
- Annual debate**—With James Milliken. Not reported. (See also Monmouth College, Illinois.)
- 1897—With Beloit College. Question—Resolved, That Cuba should be annexed to the United States, provided it can be purchased for \$15,000,000 or less. At Galesburg. Beloit College, Negative, won 2 to 1.
- 1898—With Beloit College. Question—Resolved, That legal restriction should be placed on the private accumulation of wealth in the United States. At Galesburg. Beloit, Negative, won, 2 to 1.
- 1899—With Beloit College. Question—Resolved, That the Philippines should not be annexed to the United States. At Beloit. Beloit, Negative, won, 2 to 1.
- 1900—With Beloit College. Question—Resolved, That the United States should own and operate a Postal Telegraph and Telephone System. At Beloit. Knox, Negative, won, 3 to 0.
- 1901—With Beloit College. Question—Resolved, That Labor Unions, as now conducted, are for the best interests of the people of the United States. At Galesburg. Knox, Affirmative, won, 3 to 0.
- 1902—With Beloit College. Question—Resolved, That the Fifteenth Amendment to the Constitution of the United States has not been justified. At Beloit. Beloit, Negative, won, 2 to 1.
- 1903—With Beloit College. Question—Resolved, That it would be for the best interests of the people for cities of the United States whose population exceeds 100,000 to own and operate the Street Railways, Light Plants and Water Works, rather than continue under the present system of private ownership. At Galesburg. Beloit, Negative, won, 2 to 1.
- 1904—With Beloit College. Question—Resolved, That the incorporation of the Labor Unions of the United States would promote the general welfare of the nation. At Beloit. Knox, Affirmative, won, 2 to 1.

- 1905—With Beloit College. Question—Resolved, That it is for the best interests of the United States permanently to hold territory in the Eastern Hemisphere. At Galesburg. Beloit, Negative, won, 3 to 0.
- 1906—With Beloit College. Question—Resolved, That a Federal Commission should have the power to fix Railroad Freight Rates on interstate commerce, on appeal. (Constitutionality conceded.) At Beloit. Knox, Negative, won, 2 to 1.
- 1907—With Beloit College. Question—Resolved, That Corporations engaged in interstate commerce should operate under federal license. At Galesburg. Knox, Affirmative, won, 2 to 1.
- 1908—With Beloit College. Question—Resolved, That further restriction of Immigration is undesirable. (Note—By further restriction of immigration the application of additional tests with the object of materially diminishing the number of immigrants, is meant, but the nature and practicability of such tests are not to be discussed.) At Beloit. Beloit, Negative, won, 3 to 0.
- 1909—With Beloit College. Question—Resolved, That a system of Asset Currency should be established in the United States. At Galesburg. Knox, Negative, won, 2 to 1.
- 1910—With Beloit College. Question—Resolved, That the House of Lords should be abolished. At Beloit. Knox, Negative, won, 2 to 1.
- 1911—With Beloit College. Question—Resolved, That the Closed Shop is justifiable. At Galesburg. Beloit, Negative, won, 2 to 1.
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Lake Forest College. Lake Forest. Presbyterian. Does not debate.

Lombard College. Galesburg. Universalist. No coach. Primary system. James Chapman, Secretary Debating Club, Phi Delta Theta House. Frank Dunbar Sturtevant, Lombard College, Galesburg.
Annual debate—With Augustana College, Rock Island, Ill.

Question—Resolved, That Organized Labor is a greater menace to the welfare of the country than Organized Capital. At Galesburg. Augustana, Affirmative, won, 2 to 1.

Monmouth College. Monmouth. United Presbyterian. M. M. Maynard, Coach. Primary system.

1910—Annual debate with Knox College. (Sophomore debate.) Question—Resolved, That a Deep Waterway with minimum depth of six feet should be made from the Great Lakes to the Gulf. Monmouth won on the Negative.

1911—Annual debate with Knox College. (Sophomore debate.) Question—Resolved, That Coal Mines, other than those owned by the Federal Government, should be under Federal regulation. At Monmouth. Won by Monmouth on Affirmative.

1911—Annual debate with Cornell College, Mt. Vernon, Ia. Question—Resolved, That a Graduated Income Tax would be a desirable modification of our present system of taxation. Won by Monmouth on Negative.

1911—Annual debate with William and Vashti College. (Debate between literary societies of the two schools.) Resolved, That in all Jury Trials a concurrence of three-fourths, or nine jurors, should be sufficient for the rendering of a verdict. At Aledo, Ill. Won by William and Vashti, Affirmative, unanimously.

Northwestern University. Evanston, Ill. Methodist Episcopal. I. M. Cochran, Coach, 2044 Sherman Ave., Evanston, Ill. Primary system.

1911—Triangular with University of Michigan and University of Chicago. Resolved, That the Federal Government should levy a Graduated Income Tax. (Constitutionality conceded.) Won at Evanston from Michigan; lost at Chicago to Chicago.

Annual Freshman debate—With Chicago. Won by Northwestern, Negative.

Northwestern College. Naperville, Ill. Evangelical. Prof. E. N. Himmel, Coach. H. Schrammel, President Local Association. Debaters chosen by literary societies and by primary contest.

Annual debate—With Illinois Wesleyan. (See Wesleyan, above.)

Annual debate—With Carroll College, Waukesha, Wis. With Wheaton College, Wheaton, Ill. Question in both debates—Resolved, That the Initiative and Referendum should be made a part of the legislative systems of the several states of our Union. At Waukesha, Carroll College won on the Affirmative; at Naperville, Northwestern won on the Negative, against Wheaton.

Shurtleff College. Upper Alton. Baptist. (Does not debate.)

University of Chicago. Chicago. Non-Sectarian. Charles F. McElroy, Coach. Primary system, preliminary and final.
1907—Triangular, with University of Michigan and Northwestern University. Resolved, That the Federal Government should levy a Progressive Inheritance Tax. (Constitutionality conceded.)

1908—Resolved, That all Corporations engaging in interstate business should be required to take out a federal charter. (Constitutionality conceded.)

1909—Resolved, That commercial paper as a security for banknotes is preferable to bonds. (Asset currency.)

1910—Resolved, That the experience of the United States has shown that a Protective Tariff should continue to be a national policy.

1911—Resolved, That the Federal Government should levy a Graduated Income Tax. (Constitutionality conceded.) Chicago lost on Negative at Ann Arbor; won from Northwestern on Affirmative at Chicago.

1912—Resolved, That the Recall should be adopted for all elective offices except judges and the President and Vice-President of the United States.

University of Illinois. Urbana, Ill. Non-Sectarian. E. M. Holliday, Coach. Primary system.

Member Central Debating Circuit—Pentagonal—with Minnesota and Nebraska. December, 1910. Resolved, That the movement of organized labor for the Closed Shop should receive the support of public opinion. Illinois lost on Affirmative to Nebraska, 2 to 1; won on Negative, 3 to 0, from Minnesota.

State University Debating League—Triangular—with Universities of Ohio and Indiana. March, 1909. Resolved, That each state of the Union should enact laws providing for compulsory arbitration of Labor Disputes. (Constitutionality granted.) Illinois lost both Affirmative and Negative.

William and Vashti College. Aledo, Ill. Non-Sectarian. Glenn Clark, Coach. (See Monmouth College, above.)

INDIANA.

Butler College. Irvington, Indianapolis. Non-Sectarian. Harvey B. Stout, Coach, Odd Fellows Bldg., Indianapolis, Ind. President Debating Club, Fred E. Schortmeier, 606 S. Delaware St., Indianapolis, Ind. Primary system.

Dual debate—With Miami University, Ohio, as Ohio University (Athens) withdrew from the Triangular. Question—Resolved, That the United States should establish a Central Bank. Butler won, 3 to 0, on the Affirmative at Indianapolis; and lost at Oxford, 2 to 1, on the Negative.

DePauw University. Greencastle, Ind. Methodist Episcopal. Prof. H. B. Gough, Coach. E. Troxell, Assistant Public Speaking. Primary system.

1911—Triangular, with Wabash College, Crawfordsville, and Indiana University, Bloomington. Question—Resolved, That Indiana should adopt the Initiative and Referendum system of government. DePauw lost to Indiana Uni-

versity at Greencastle on the Affirmative, 2 to 1; and won on the Negative at Crawfordsville from Wabash, 2 to 1.
1910—Dual debate with Albion College, Michigan. Subject—Labor Party. DePauw lost both debates.

Earlham College. Richmond, Ind. Friends. E. P. Trueblood, Coach. Primary system.

Annual debate—With Albion College, Michigan. Resolved, That the Commission Form of Government for Municipalities of the United States would be desirable. At Richmond, Ind. Albion won on Negative.

Franklin College. Franklin, Ind. Non-Sectarian. A. T. Belknap, Coach. Primary system. (No intercollegiate debates last year.)

Hanover College. Hanover, Madison, Ind. Presbyterian. (No intercollegiate debates last year reported.)

Indiana University. Bloomington, Ind. Non-Sectarian. Ralph Victor Sollitt, Coach. Primary system.

Triangular—With Depauw University, Greencastle, Ind., and Wabash College, Crawfordsville, Ind. Resolved, That Indiana should adopt the Initiative and Referendum system of government. Indiana won at Bloomington on the Affirmative against Wabash, and at Greencastle on the Negative against DePauw.

University of Notre Dame. Notre Dame, Ind. Roman Catholic. W. A. Maloney, Coach. Primary system.

Wabash College. Crawfordsville, Ind. Non-Sectarian. G. L. MacKintosh, President Wabash College. Primary system. (See DePauw and Indiana University, Indiana.)

IOWA.

Central University. Pella. Baptist. Prof. Elizabeth Graham, Coach. Stull Prize Contest for men; primary system for women debaters.

- 1909—Annual debate with Buena Vista College, Storm Lake, Iowa. Subject—Benefits of Labor Unions. Central won, 3 to 0.
- 1910—Subject—Concentration of Power in Federal Government. Central won, 2 to 1.
- 1911—Subject—The Income Tax. Central won, 3 to 0.
- 1911—Annual debate with Highland Park College, Des Moines, Ia. Subject—The Commission Form of Government. Highland Park won on Affirmative.
- Triangular (Girls)—With Simpson College, Indianola, Ia., and Iowa Wesleyan College, Mt. Pleasant, Ia. Subject—Commission Form of Government. Central won Negative from Iowa Wesleyan, and lost Affirmative to Simpson College.
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Coe College. Cedar Rapids, Ia. Non-Sectarian. No coach. Primary system. President Forensic League, H. C. Driver. Chairman of Debate, H. H. Preston.

- 1910—Tri-State Debating League—Triangular with Carleton College, Northfield, Minn., and Ripon College, Ripon, Wis. Resolved, That the cities of the United States between 25,000 and 100,000 should adopt the Commission Form of Government. Coe won Negative from Ripon. Did not meet Carleton.
- 1911—Resolved, That the Federal Government should adopt an Income Tax, provided it were constitutional. Coe, Affirmative, won from Ripon, 2 to 1; and lost Negative to Carleton, 3 to 0.
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Cornell College. Mt. Vernon, Ia. Methodist Episcopal. Coach not given. R. J. Reitzel, Mt. Vernon, Ia.

- 1911—Annual debate with Baker University, Baldwin, Kan. Subject—The Income Tax. Won Negative from Baker, 3 to 0.
- 1911—Annual debate with Monmouth College, Monmouth, Ill. Subject—The Graduated Income Tax. Lost Affirmative to Monmouth.
- Triangular—With Knox College, Galesburg, Ill., and Beloit College, Beloit, Wis., for 1912.

Des Moines College. Des Moines. Baptist. (No debates in 1911. (Mrs.) F. T. Stephenson, 1331 Harrison Ave., Des Moines, Ia.

Drake University. Des Moines. Non-Sectarian. Frank E. Brown, Coach. President Debating Club, Ralph Nichols. Secretary, Mayo Hardesty. Primary system.

1906—Triangular, with Grinnell College, Grinnell, and Iowa State College, Ames. Subject—Federal Control Interstate Commerce. Drake won from Grinnell; lost to Ames.

1907—Municipal Ownership Public Utilities. Drake lost both.

1908—The Fifteenth Amendment. Drake won both.

1909—A Central Bank. Drake won from Ames; lost to Grinnell.

1910—The Income Tax. Drake won from Grinnell, and lost to Ames.

1911—Canadian Reciprocity. Drake lost both.

Grinnell College. Grinnell. Non-Sectarian. J. R. Ryan, Joseph Brody. Primary system. (See Drake University, immediately above.)

Triangular—Grinnell lost to Ames but won from Drake.

Freshman debate—with Beloit. Beloit won 2 to 1.

Highland Park College. Des Moines. Presbyterian. H. M. Mumford, Coach. Debaters chosen by societies and by primaries. (See Central University, Iowa.)

Iowa Wesleyan University. Mt. Pleasant. Methodist Episcopal. Professor of Economics is coach. Dan Heller, President Debating Club. Harlan Stone, Secretary. Primary System.

Triangular (Girls)—(See Central University, Iowa.) Wesleyan lost to Central and won from Simpson. Subject—Commission Government.

Annual debate—With Illinois Wesleyan University. (See Illinois Wesleyan University, Illinois.) Subject—Open vs. Closed Shop. Lost to Illinois.

Annual debate—With Grinnell. No report.

Freshman debate—With Simpson. Subject—Income Tax. Wesleyan won on Negative.

Leander Clark College. Toledo. United Brethren. Ross Masters, Coach. Arthur Yount, President Debating Club. Primary system.

Triangular—With Penn College, Oskaloosa, and Parsons College, Fairfield, Ia. Resolved, That the Federal Government should have paramount control of the conservation of our natural resources. At Fairfield Clark won from Parsons on the Affirmative. At Toledo Clark lost to Penn.

Morningside College. Sioux City. Methodist. Chas. A. Marsh, Coach. Debaters chosen by the coach. President Debating Club, F. G. Elwick.

Dual debate—With Upper Iowa University, Fayette, Ia. The Affirmative won at each place. Subject—Parliamentary versus Presidential Form of Government. (Dual debate occasioned by Simpson College dropping out of Triangular.)

Parsons College. Fairfield. Presbyterian. President Debating Club, E. E. Watson. Primary contests. (See Leander Clark College, Iowa.) Parsons lost to the Leander Clark Affirmative at Fairfield, 3 to 0, and lost to Penn College at Oskaloosa, 2 to 1. Subject—Conservation.

Penn College. Oskaloosa. Edwin L. Morris, Coach. Frank D. Messner, President Forensic League. Primary system. (See Leander Clark College, Iowa, and Parsons College, Iowa.) Penn won both her debates in the Triangular.

Simpson College. Indianola. Methodist Episcopal. Prof. D. D. Griffith, English Department, Coach. Debaters elected; primary contest said to fail to interest best debaters.

Triangular (Girls)—(See Central University and Iowa Wes-

leyan University, above.) Simpson lost to Wesleyan and won from Central. Subject—Commission Government. Freshman debate—Lost to Iowa Wesleyan at Mt. Pleasant, supporting Negative of the question: Resolved, That the Federal Government should establish a Graduated Income Tax with an exemption of \$5,000. (Constitutionality waived.)

Tabor College. Tabor. Congregational. Carl Ostrum, Coach. Held no intercollegiate debates in 1910 and 1911.

University of Iowa. Iowa City. Non-Sectarian. Wm. E. Jones, Coach. E. Clyde Robbins, Coach. Primary system.

Central Debating Circuit—Pentagonal. (See Appendix I. Illinois University and Iowa University.)

1910-11—Resolved, That the movement of organized labor for the Closed Shop should receive the support of public opinion. Iowa won from Minnesota at Iowa City, 2 to 1; and from Wisconsin at Madison, 3 to 0. Iowa has won 7 out of 10 debates in the Central Debating Circuit and is leading the organization at present.

KANSAS.

Baker University. Baldwin. Methodist. Prof. Chas. Leach, Coach. (See Cornell College, Iowa; Ottawa University, Kansas; Washburn College, Kansas.)

Cooper College. Sterling. United Presbyterian. Mrs. N. F. Gray, Head Department of Public Speaking. M. M. Van Patten, President Debating Club. Debaters elected by Debating League.

Annual debate—With Campbell College, at Sterling. Resolved, That every Corporation engaged in interstate business should be required to take out a federal charter on such terms as Congress may by law prescribe. (Granted that such legislation would be constitutional.) Won on the Negative by Cooper unanimously.

Annual debate—With Amity College, College Springs, Ia., at College Springs. Resolved, That Capital Punishment should be abolished by the United States. Won by Amity on the Affirmative.

Annual debate—With Bethel College, Newton, Kan., at Newton, Kan. Resolved, That the United States should own and control all Railroads doing an interstate business. (Constitutionality conceded.) Unanimous for Cooper, Negative.

College of Emporia. Emporia. Presbyterian. Hugh Brower, Head English Department, Coach. Chairman of Debate, Lester Vernon. Primary system.

Annual debate—With Ottawa University, Ottawa, Kan., at Emporia. Resolved, That the United States should establish a Central Bank. Won on the Affirmative by Ottawa.

Annual debate—With Southwestern College, Winfield, Kan., at Winfield. Resolved, That Labor Unions as they now exist are on the whole beneficial to society in the United States. Won by Southwestern.

1910—Dual meet. Resolved, That interstate commerce Corporations should be placed wholly under the control of the United States government. Southwestern won both debates.

Fairmount College. Wichita. Prof. B. F. Pittinger and Prof. T. H. Morrison, Coaches. Primary system, and choice by coach.

Dual debate—With Kansas Agricultural College, Manhattan, Kan. Resolved, That the Constitution of the State of Kansas should be so amended as to provide for the Initiative and Referendum. Fairmount won, 2 to 1, on the Affirmative, and 3 to 0 on the Negative.

Friends University. Wichita. Friends. Chas. B. Driscoll, Chairman of Debate. (See Kansas Wesleyan below.)

Kansas Wesleyan University. Salina. Methodist. Lorene C. Huffman, Coach. W. H. Cannon, President Debating Club. C. J. Boddy, Secretary. Primary system.

Dual debate—Friends University versus Kansas Wesleyan. Resolved, That Woman Suffrage should be adopted in the United States. Salina won both debates; 3 to 0 and 2 to 1 decisions.

Ottawa University. Ottawa. Baptist. Prof. C. O. Hardy, Coach. Prof. Chas. V. Stansell, Assistant Coach. Wayne Gilliland, Chairman of Debate. E. R. Nichols, Coach, 1909-11. Primary system.

Annual debate—With College of Emporia, Emporia, Kan. Won by Ottawa, Affirmative, 3 to 0. (See College of Emporia, Kansas, above.)

Annual debate—With Park College, Parkville, Mo., at Parkville. Resolved, That a federal Income Tax on all income in excess of \$4,000 would be a desirable form of taxation. (Constitutionality conceded.) Won on Affirmative by Park, 3 to 0.

Annual debate—With Baker University, Baldwin, Kan. Subject—Income Tax, as stated in Park debate immediately above. Ottawa won Affirmative, 2 to 1, at Ottawa. Previous record:

1898—With Wm. Jewell College, Liberty, Mo., at Ottawa. Resolved, That a Single Land Tax would be better than the present system. Ottawa, Negative, won, 2 to 1.

1899—With Wm. Jewell College, at Liberty. Resolved, That the evils of competition are greater than its benefits. Ottawa, Affirmative, won, 2 to 1.

1900—With Wm. Jewell College, at Liberty. Resolved, That Party Allegiance is preferable to independent action in politics. Wm. Jewell College, Affirmative, won, 3 to 0.

1900—With Park College, at Parkville. Resolved, That the benefits of Trusts outweigh their evils. Ottawa, Negative, won, 3 to 0.

1901—With Park College, at Ottawa. Resolved, That United States Senators should be elected by popular vote. Park, Affirmative, won, 2 to 1.

1907—With Southwestern College, at Ottawa. Resolved, That the organization of the State under the Constitution of

- 1789 is insufficient for the accomplishment of future changes in the Constitution. Southwestern won, 2 to 1.
- 1908—With Wm. Jewell College, at Ottawa. Resolved, That the general welfare of the American people demands the operation of the Open Shop principle in our industries. Wm. Jewell College won, 2 to 1 on the Affirmative.
- 1908—With Southwestern, at Winfield. Resolved, That Education for the Negro will solve the race problem in the United States. (It being conceded that education will be brought within certain reach of the negro.) Southwestern won, 2 to 1.
- 1909—With Southwestern, at Ottawa. Resolved, That the United States should subsidize a Merchant Marine. Ottawa, Negative, won, 3 to 0.
- 1909—With Washburn College, Topeka, at Ottawa. Resolved, that the present distribution of power between the state and federal government is not adapted to present conditions and calls for re-adjustment in favor of centralization. Ottawa, Affirmative, won, 2 to 1.
- 1910—With Park College, at Ottawa. Resolved, That the financial welfare of the people of the United States demands the establishment of a Central Bank to be directed and controlled by the national government. Park won, 3 to 0.

Southwestern College. Winfield. Methodist. No coach. Debate Council—Dr. F. E. Mossman, President of Southwestern; M. Ian Coldwell, and J. Leroy Glass. Societies elect men for the primary contest.

Annual debate—With College of Emporia. (See College of Emporia, Kansas, above.)

Triangular—With Epworth University, Oklahoma City, and Oklahoma Baptist College, Blackwell, Okla. Resolved, That Labor Unions as they now exist are on the whole beneficial to society in the United States. Southwestern won on the Affirmative at Winfield, and on the Negative at Blackwell.

University of Kansas. Lawrence. Non-Sectarian. G. A. Gesell, Coach. Primary system.

Triangular—With Oklahoma and Colorado Universities. (See University of Colorado, Colorado.) University of Kansas won on Affirmative of the Short Ballot from Oklahoma, and lost on Negative to Colorado.

Annual debate—With University of Missouri, at Columbia. Resolved, That it would be advisable to apply wage legislation in the field of the sweated industries of the United States. (Constitutionality waived.) Missouri won on the Affirmative.

Washburn College. Topeka. Congregational. Prof. Frank H. Lane, Coach. Primary contest.

Annual debate—With University of Denver, at Topeka. Subject—Initiative and Referendum. Washburn won. (See University of Denver, Colorado, above.)

Annual debate—With Baker University, Baldwin, Kan., at Baldwin. Resolved, That cities between 25,000 and 100,000 should adopt the Commission Form of Government. Washburn won unanimous decision on Negative.

Annual debate—With Nebraska Wesleyan, at Lincoln. Subject—Initiative and Referendum. Won by Nebraska, 2 to 1, on Affirmative. Previous record:

1910—With University of Denver, at Denver. Subject—Guarantee of Bank Deposits. Denver, Negative, won.

1910—With Baker University, at Topeka. Subject—Abandonment of the Protective Tariff. Baker won, 2 to 1, on the Affirmative.

1910—With Nebraska Wesleyan, at Topeka. Subject—Income Tax. Nebraska, Negative, won, 2 to 1.

MAINE.

Bates College. Lewiston. Non-Sectarian. J. M. Carroll, 91 Elm St., Coach. Chosen from Debating Class.

Annual debate—With Clark College, Worcester, Mass., at Lewiston. Resolved, That Reciprocity with Canada, as provided in the agreement recently adopted at Washington, would be economically advantageous to the United States. Bates won on the Negative.

Annual Debate—With College of the City of New York, at New York. Bates won on the Negative of the question stated in the Clark debate immediately above.

Bowdoin College. Brunswick. Non-Sectarian. Wm. Hawley Davis, Professor English and Argumentation. (1911 agreements provided for no coaching.) Primary system. President Debating Council, B. C. Rodick. Secretary, E. F. Maloney.

Annual debate—With Wesleyan University, Middletown, Conn. (See Wesleyan University, Connecticut.) Subject—Graduated Income Tax. Wesleyan won at Middletown.

University of Maine. Orono. Non-Sectarian. Alvin Ketchem, Instructor English and Argumentation. President Debating Club, Benjamin Bennett Anthony. (No intercollegiate debates 1910-11.)

MARYLAND.

Johns Hopkins University. Baltimore. Non-Sectarian. John C. French, Associate in English. Primary system. J. G. Murray, Chairman Debating Committee.

Triangular—With Washington and Lee, Lexington, Va., and Pennsylvania College, Gettysburg, Pa. Resolved, That the present distribution of powers between the federal and state governments should be revised in pursuance of a general policy of further centralization. Negative won in each debate.

MASSACHUSETTS.

Amherst College. Amherst. Non-Sectarian. (See Wesleyan University, Connecticut.)

Boston College. Boston. Roman Catholic. (See Georgetown University, District of Columbia; and Clark College, Massachusetts.)

Clark College. Worcester. Non-Sectarian. Prof. Prentice C. Hoyt, Coach. Primary system.

Annual debate—With Boston College. Subject—Ship Subsidy. Boston, Affirmative, won.

Annual debate—With Bates College. Subject—Reciprocity with Canada. At Lewiston. Bates won. (See Bates College, Maine.)

Annual debate—With Middlebury College. Defaulted by Middlebury.

Previous record:

1905—With Tufts College. Resolved, That the Trade Union movement is on the whole beneficial to American industry. Won by Clark.

1907—With Bates. Resolved, That it would be for the best interests of the United States to establish a general system of Shipping Subsidies. Won by Bates.

1907—With Tufts. Resolved, That a national Income Tax should be established in the United States. Won by Clark.

1908—With Bates. Resolved, That further increases in the United States Navy are desirable. Won by Clark.

1908—With Tufts. Resolved, That Greek Letter Fraternities are more beneficial than detrimental to American colleges and universities. Won by Tufts.

1910—With Bates. Resolved, That the Commission Plan of Municipal Government should be generally adopted throughout the United States. Won by Clark.

1910—With Boston. Resolved, That United States Senators should be elected by direct popular vote. Won by Boston.

1910—With Middlebury. Resolved, That in Labor Disputes workmen are justified in demanding as a condition of settlement that their employers agree to employ only members of trade unions. Won by Clark.

Harvard University. Cambridge. Non-Sectarian. Wm. C. Gorenau, Manager of Debate, 14 Thayer Hall. Primary system.

Triangular—With Princeton and Yale Universities, since 1909. (See Appendix I.)

- 1910—Federal Graduated Income Tax. Harvard won on both sides.
- 1911—Direct Primaries.
Annual debate—With Princeton, N. J. 1895 to 1908.
Record with Princeton:
- 1895—Property Qualification on Municipal Franchise. Harvard Negative.
- 1896—Retirement of Legal Tenders. Harvard, Negative.
- 1897—Responsible Cabinet Government. Harvard, Negative.
- 1898—Restriction of Immigration. Harvard, Affirmative.
- 1899—Protective Alliance between United States and Great Britain. Harvard, Negative.
- 1900—English Claims in South African Republic are Justifiable. Harvard, Affirmative.
- 1901—Platt Amendment Embodied in Army Appropriation Bill Justifiable. Harvard, Negative.
- 1902—Restriction of Excise Law in New York City. Princeton, Affirmative.
- 1903—President Should Have Power to Afford Protection to State During Domestic Violence without the Application of the States for Federal Aid. Princeton, Affirmative.
- 1904—Law Compelling Monopolistic Business Enterprises to Sell at a Reasonable Rate Is Desirable. Harvard, Negative.
- 1905—Free Elective System Is Best Available Plan for Undergraduate Course of Study. Princeton, Affirmative.
- 1906—Intercollegiate Football a Detriment Rather than a Benefit. Princeton, Affirmative.
- 1907—Further Centralization of Power. Princeton, Affirmative.
- 1908—Material Increase in Navy Desirable. Harvard, Negative.

Tufts College. Medford. Non-Sectarian. (See Clark College, Massachusetts, above.)

Williams College. Williamstown. Non-Sectarian. (See Wesleyan University, Connecticut. See Appendix I, Williams College, Massachusetts.)

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MICHIGAN.

Adrian College. Adrian. Methodist Protestant. No coach. Mr. E. P. Lake, President of Oratorical League. Literary Society elects debaters.

Annual debate—With Hillsdale College, Hillsdale, Mich. (Between Literary Societies.) Resolved, That the United States Government should continue its present naval policy for the next five years. Won on the Affirmative by Adrian, 2 to 1.

Albion College. Albion. Methodist Episcopal. Chas. H. Woolbert, English and Public Speaking. Primary system.

Annual debate—With Earlham College, Richmond, Ind. (See Earlham College, Indiana, above.) With Lawrence College, Appleton, Wis., and with Beloit College, Beloit, Wis. Question, 1911, with all three colleges—Resolved, That the Commission Form of City Government for cities of over twenty thousand population is desirable. Lawrence College won at Appleton on the Negative. Albion College won over Beloit on the Negative at Albion.

1910—With Beloit. Resolved, That the Federal Government should spend annually for the next ten years the sum of \$10,000,000 for the Improvement and Development of Internal Waterways.

1909—With Beloit. Resolved, That all Corporations doing an interstate business should be required to take out a federal license.

Alma College. Alma. Presbyterian. (See Hope College, Olivet College, and Michigan Agricultural College, immediately below.)

Hope College. Holland. Ref. of Am. President of Debate, Clarence Dane. Secretary, Stanley Tortuine. Society contests and preliminaries.

Triangular—With Alma College, Alma, Mich., and Olivet College, Olivet, Mich. 1911. Resolved, That in cities of

over 20,000 the Commission Plan of Government be adopted. Hope, Affirmative, won over Olivet, Negative at Holland; and Hope, Negative, lost to Alma, Affirmative, at Alma.

1910—Resolved, That the United States levy a progressive Income Tax. (Constitutionality conceded.) Hope, Affirmative, won over Alma, Negative, at Holland; and Hope, Negative, won over Olivet, Affirmative, at Olivet.

1909—Resolved, That the United States Navy be increased. Hope, Affirmative, lost to Olivet, Negative, at Holland; and Hope, Negative, lost to Alma, Affirmative, at Alma.

Kalamazoo College. Kalamazoo. Baptist. O. J. MacEron, Professor of English. Primary system.

Annual debate—Sherwood Rhetorical Society versus Phi Alpha Pi Fraternity of Olivet College, Olivet, Mich. Resolved, That the powers of the Interstate Commerce Commission be enlarged. Olivet College won on the Affirmative.

Michigan Agricultural College. East Lansing. Non-Sectarian. Secretary F. M. Pyke and Herman Hensel, Coaches. Primary system.

Annual debate—With Normal College, Ypsilanti, Mich., at Ypsilanti. Resolved, That the Federal Government should retain ownership of all Coal Deposits on lands now owned or hereafter acquired by the United States. The Normal College won on the Negative.

Annual debate—With Alma College, Alma, Mich., at East Lansing. Same question as in Normal debate. Agricultural College won on the Negative.

Olivet College. Olivet. Non-Sectarian. Dr. Thos. W. Nadel, Dr. H. A. Miller, Coaches. President Debating Club, Harold J. Scott. Primary system.

Triangular—With Alma College and Hope College. (See Hope College, Michigan.) Olivet won on Affirmative at Olivet from Alma, and lost on the Negative to Hope at Holland.

Annual debate—With Kalamazoo. (See above.)

Annual debate—With Ferris Institute. (Phi Alpha Pi debate.) At Big Rapids. Resolved, That Socialism is preferable to Capitalism. Ferris, Affirmative, won.

1910—Resolved, That the Federal Government should levy a Progressive Income Tax. (Constitutionality conceded.) Ferris, Affirmative, won at Big Rapids.

1909—Resolved, That the Navy of the United States should be enlarged. Olivet, Negative, won at Big Rapids.

University of Michigan. Ann Arbor. Non-Sectarian. Thos. C. Trueblood, Coach. Primary system.

Triangular—With University of Chicago, and Northwestern University. Affirmative won in each case. Subject—Income Tax. (See University of Chicago, Illinois.)

MINNESOTA.

Carleton College. Northfield. Non-Sectarian. Charles S. Pendleton, Department of Rhetoric and Public Speaking. Primary contest.

Triangular—With Ripon College, Ripon, Wis., and Coe College, Cedar Rapids, Ia. (See Coe College, Iowa.) Carleton won both of its debates in 1911.

Hamline University, St. Paul. Methodist Episcopal. (See Lawrence University, Wisconsin.)

Macalaster College. St. Paul. Presbyterian. Frank D. Scott, 196 Vernon Ave., St. Paul, Minn., Coach. Primary system.

Annual debate—With St. Olaf College, Northfield, Minn., at St. Paul. (This was Macalaster's first intercollegiate debate.) Resolved, That the United States government should supplement its present system of taxation by a graduated Income Tax on all incomes over \$5,000 per year. (Constitutionality granted.) St. Olaf won on the Affirmative, 2 to 1.

St. Olaf College. Northfield. Lutheran. (See Macalaster College, Minnesota; and Fargo College, North Dakota.)

University of Minnesota. Minneapolis. Non-Sectarian. F. M. Rarig, H. B. Gilason, Coaches. Primary system. (See Appendix I. Illinois.)

Pentagonal—Central Debating Circuit—Minnesota met Iowa at Iowa City, and Illinois at Minneapolis. Resolved, That the movement of organized labor for the Closed Shop should receive the support of public opinion. Iowa won on Affirmative, 2 to 1; and Illinois on the Negative, 3 to 0.

MISSOURI.

Carleton Institute. Farmington. Methodist Episcopal. (No debates in 1910-11.)

Central College. Fayette. (See Missouri Valley College, Missouri, below.)

Drury College. Springfield. Non-Sectarian. E. D. Schonberger, Rhetoric and Public Speaking, 1258 Summit Ave. Primary system.

Annual debate—With Park College, at Springfield. Resolved, That the United States should establish a Parcels Post similar to the German system. Park won on the Negative.

1910—At Parkville. Resolved, That a Central Bank of issue and reserve should be established in the United States. Park won on the Negative.

1910—At Springfield. Resolved, That a Central Bank with power of issue and reserve should be established in the United States. Wm. Jewell, Negative, won.

1911—With Wm. Jewell College, Liberty, Mo. Resolved, That the Direct Primary should be used in nominating all candidates for elective offices in the state. Wm. Jewell won on the Affirmative, 3 to 0.

Missouri Valley College. Marshall. Presbyterian. Otto F. Tschwee, President Debating Club; Joseph W. Dyson, Secretary. Debate committee selects.

Triangular debate—With Central College, Fayette, Mo., and Westminster College, Fulton, Mo. Resolved, That United States Senators should be elected by direct popular vote. Affirmative won in each debate.

Missouri Wesleyan. Cameron. Methodist Episcopal. (No debates in 1910-11.)

Park College. Parkville. Non-Sectarian. J. Hamilton Lawrence, Coach. Primary system.

Annual debate—With Drury College, Springfield, Mo. (See above.)

Annual debate—With Ottawa University, Ottawa, Kansas. (See Ottawa University, Kansas.)

Park has won seventeen debates straight. Complete record not sent in.

State Normal. Warrensburg. Non-Sectarian. Murray G. Hill, Coach, 1910-11. (Mr. Hill has left the school.) Societies elect to Debate Club, which holds primary contest.

Annual debate—With State Normal, Peru, Neb., at Peru. Resolved, That the Panama Canal should be fortified. Warrensburg won on the Affirmative.

1910—Resolved, That all cities of the United States should be granted absolute municipal home rule. Warrensburg. Affirmative, won.

University of Missouri. Columbia. Non-Sectarian. Prof. Frederick M. Tisdell, Assistant Professor of English. (Not technically coach.) Primary system.

Annual debate—With Kansas University, at Columbia. Resolved, That it would be advisable to apply Minimum Wage Legislation in the field of the sweated industries of the United States. (Constitutionality waived.) Missouri won on the Affirmative.

Annual debate—With Oklahoma University at Columbia. (Same question as in Missouri-Kansas debate.) Missouri won on the Negative.

Annual debate—With University of Texas, at Austin. Resolved, That the application of the principle of free raw materials in our tariff schedule would be to the best interests of the South. Texas won on the Affirmative.

Washington University. St. Louis. Non-Sectarian. Edwin C. Luedde, President Debating Club. Primary system. No debates 1910-11.

William Jewell College. Liberty. Baptist. Elmer C. Griffith, Coach. Primary system.

Annual debate—With Drury College. (See Drury College, Missouri, above.)

Annual debate—With Baylor University, Waco, Tex., at Waco. Resolved, That raw material should be admitted to the United States free of duty. William Jewell won, 3 to 0.

Annual debate—With Arkansas University, Fayetteville, Ark., at Liberty. Resolved, That the Federal Government should have the power to impose an Income Tax, not apportioned among the states according to population. William Jewell, Negative, won, 3 to 0.

Previous record:

1909—With Washburn College, Topeka, Kan. Subject—Commission Government.

1909—With Washington University Law School, St. Louis, Mo., at Liberty. Resolved, That Corporations engaged in interstate commerce should be compelled to incorporate under federal laws. William Jewell won on the Negative.

1910—With Drury College. (See Drury College, above.)

1910—With Arkansas University, at Fayetteville. Resolved, That the present tendency to increase the power of the Federal Government through executive and legislative action and judicial interpretation is a dangerous menace to our system of constitutional government. William Jewell won, 3 to 0, on the Negative.

1910—With Bethany College, Lindsborg, Kan., at Lindsborg. Resolved, That the Reformation of the Sixteenth century

was a greater power in the intellectual development of Europe than the Renaissance movement. Bethany won on the Affirmative.

1910—With Washburn College, Topeka, Kan., at Liberty. Resolved, That the United States should subsidize its Merchant Marine. Won by William Jewell, Negative.

MONTANA.

Montana State College. Bozeman. Non-Sectarian. E. A. Duddy, Coach. President Debating Council, Horace Davis. Primary system.

Annual debate—With Utah Agricultural College, Logan, Utah, at Bozeman. Resolved, That the Federal Government should exercise direct control over the development of water power. Montana won on the Affirmative.

1910—Resolved, That we should have a Central Bank to be operated under the control of the United States government. At Logan. Utah won on Affirmative, 3 to 0.

1910—With Montana Wesleyan, Helena, Mont., at Bozeman. Subject—Commission Government. State College won, 2 to 1.

1910—At Helena. Subject—Municipal Ownership of Public Utilities. Montana lost on Affirmative, 3 to 0.

Montana State College and Wesleyan have debated nine years. The score stands: 5 for the State College, and 4 for Wesleyan.

Montana Wesleyan. Helena. Methodist. L. R. Putnam, Victor Lewis, C. W. Tenny, Debate Council. Debaters elected. Primary sometimes used. (See Montana State College, immediately above.)

University of Montana. Missoula. Non-Sectarian. G. F. Reynolds, Head Debating League. Primary system.

Annual debate—With Washington State College, Pullman, Wash., at Missoula. Resolved, That the Natural Resources (water, forests, minerals) should be under the control of the Federal Government. Montana won on the Affirmative.

- 1910—At Pullman. Subject—Commission Form of Government. Washington State, Negative, won.
- 1909—At Missoula. Resolved, That all Corporations doing an interstate business be required to have federal incorporation. Washington won on Negative.
- 1905—With University of Idaho, at Moscow, Idaho. Subject—Federal Income Tax. Idaho, Negative, won.
- 1906—With Washington State College, at Missoula. Subject—Federal Income Tax. Washington won on Negative.
- 1906—With University of Idaho, at Moscow. Resolved, That all Railroads in the United States should be owned and operated by the Federal Government. Idaho won on the Negative (?).
- 1907—With University of North Dakota, at Bismarck. Railroad question immediately above. North Dakota won on Negative (?).
- 1907—With Washington State College, at Missoula. Resolved, That all the cities in the United States of 75,000 inhabitants or over should own and operate their Street Railways. Washington won on the Negative.
- 1908—With Washington State College, at Pullman. Resolved, That a Central Bank should be established in the United States. Washington State won on Negative.

NEBRASKA.

Cotner University. Bethany. Christian. H. O. Pritchard, Coach. Dan C. Troxell, President Debating Club. Primary system.

Annual debate—With Canton Christian College, Canton, Mo., at Canton. Resolved, That our legislation should be shaped toward the abandonment of the Protective Tariff. Cotner, Affirmative, won.

Triangular—With Doane College, Crete, Neb., and Bellevue College, Bellevue, Neb. Same question as in the Annual debate immediately above. Cotner won on both sides. Cotner has won five out of eight in this league, and stands 2 to 2 with Christian College, Missouri.

Doane College. Crete. Congregational. (See Cotner University, immediately above.)

Grand Island College. Grand Island. Baptist. E. H. Sutherland, Coach, 1910-11. Primary system, except when coach chooses from a class.

Annual debate—With Kearney State Normal, Kearney, Neb., at Grand Island. Subject—The Open vs. the Closed Shop. Grand Island won on the Affirmative.

Annual debate—With Hastings College, Hastings, Neb. Subject—Commission Government. Grand Island, Affirmative; Hastings, Negative. Decision not given.

Hastings College. Hastings. Presbyterian. (See Grand Island College, immediately above.)

Nebraska Wesleyan University. University Place. Methodist. Herman Churchill, Coach. Primary between class teams.

Annual debate—With Washburn College, Topeka, Kan. (See Washburn College, Kansas.)

Omaha University. Omaha. (See York College, below.)

York College. York. United Brethren. No coach 1910-11. Prof. J. A. Weller, probable coach 1911-12. Officer Debating Club, Guy T. Buswell. Primary system.

Annual debate—With Omaha University, at Omaha. Resolved, That the movement of organized labor toward the Closed Shop should receive the support of public opinion. York won on Negative.

Annual debate—With Kearney State Normal, at Kearney. Question as stated in Omaha debate above. York won on the Affirmative.

Annual debate—Campbell College, Holton, Kan., at Holton. Resolved, That the Federal Government should grant financial aid to ships engaged in our foreign commerce and owned by citizens of the United States. York, Negative, won.

NEW HAMPSHIRE.

Dartmouth College. Hanover. Non-Sectarian. (See Williams College, Massachusetts, in Appendixes I and II; also Brown University, Rhode Island.)

NEW YORK.

Colgate University. Hamilton. Non-Sectarian. E. W. Smith, Department of Public Speaking, Coach. L. C. Lowell, Secretary Debate Council. Primary system.

Triangular debate—With Hamilton College, Clinton, N. Y., and Union College, Schenectady, N. Y. 1910. Resolved, That aside from the constitutionality of the measure, a graduated Income Tax should be a part of the federal system of taxation. Colgate lost to Hamilton on the Affirmative, and won from Union on the Negative.

1911—Resolved, That the Initiative and Referendum should be adopted in New York state. Colgate won on both sides.

Columbia University. New York City. Non-Sectarian. (See Cornell University, below.)

Cornell University. Ithaca. Non-Sectarian. No coach. J. A. Winans, Head Department of Oratory. Primary system. Annual debate—With Union College, at Schenectady. Union College won on the Affirmative.

Annual debate—With Rochester University, at Rochester. Cornell won on the Negative.

Triangular—With University of Pennsylvania and Columbia University, New York. Resolved, That the ownership of the Forest and Mineral Lands, now owned by the United States in the several states, should be retained by the Federal Government. Cornell won from Pennsylvania on the Affirmative, and from Columbia at New York on the Negative.

With Pennsylvania—Cornell's record stands: Cornell, 7; Pennsylvania, 8.

With Columbia: Cornell, 6; Columbia, 6.

Union College. Schenectedy. Non-Sectarian. (See Colgate University, and Cornell University, New York.)

University of Rochester. Rochester. Non-Sectarian. (See Cornell University, above.)

NORTH CAROLINA.

University of North Carolina. Chapel Hill. C. R. Wharton, President Debate Council. Primary system.

Pentagonal League—(See University of Georgia in Appendixes I and II.) University of North Carolina met University of Georgia and University of Virginia. North Carolina won at Chapel Hill from Georgia, and lost on Negative to Virginia at Charlottesville.

Annual debate—With University of Pennsylvania, at Philadelphia. North Carolina won on the Affirmative.

North Carolina's record:

1897—With University of Georgia. Won by Georgia.

1898—With University of Georgia. Won by North Carolina.

1899—With University of Georgia. Won by North Carolina.

1900—With Vanderbilt University. Won by North Carolina.

1900—With University of Georgia. Won by North Carolina.

1901—With University of Georgia. Won by Georgia.

1901—With Vanderbilt University. Won by North Carolina.

1902—With Vanderbilt University. Won by North Carolina.

1902—With University of Georgia. Won by Georgia.

1902—With Johns Hopkins University. Won by North Carolina.

1903—With Johns Hopkins University. Won by North Carolina.

1904—With University of Georgia. Won by North Carolina.

1905—With University of Georgia. Won by Georgia.

1905—With Washington and Lee University. Won by Washington and Lee.

1906—With University of Georgia. Won by North Carolina.

1907—With University of Georgia. Won by North Carolina.

1907—With University of Virginia. Won by North Carolina.

1907—With University of Pennsylvania. Won by Pennsylvania.

1907—With George Washington University. Won by George Washington.

1908—With George Washington University. Won by North Carolina.

1908—With University of Georgia. Won by North Carolina.

1908—With University of Virginia. Won by North Carolina.

1908—With University of Pennsylvania. Won by North Carolina.

1909—With University of Pennsylvania. Won by North Carolina.

1909—With University of Virginia. Won by Virginia.

1909—With University of Georgia. Won by Georgia.

1909—With Tulane University. Won by North Carolina.

1910—With University of Pennsylvania. Won by North Carolina.

1910—With University of Georgia. Won by North Carolina.

1910—With Washington and Lee University. Won by North Carolina.

Wake Forest College. Wake Forest. Baptist. No coach. Primary system.

Annual debate—With Davidson College, Davidson, N. C., at Greensboro. Wake Forest won on the Affirmative. Question not stated.

NORTH DAKOTA.

Fargo College. Fargo. Non-Sectarian. B. W. Brown, Coach. Primary system.

Annual debate—With St. Olaf College, Northfield, Minn., at Fargo. Resolved, That the United States government should supplement its present system of taxation by the addition of a graduated Income Tax on all incomes over \$5,000 a year. (Constitutionality granted.) Fargo won on Affirmative, 2 to 1.

Annual debate—With St. Thomas College, St. Paul, Minn., at St. Paul. Same question as in St. Olaf debate. St. Thomas, Negative, won, 3 to 0.

University of North Dakota. Grand Forks. Non-Sectarian. Frederick H. Koch, Chairman Faculty Committee on

Debate. Geo. F. Shafer, President Debate Board. Debaters chosen by faculty from inter-society contests.

Annual debate—With University of South Dakota, Vermilion, S. D., at Grand Forks. North Dakota won on Affirmative. Question not given.

Annual debate—With University of Manitoba, Winnipeg, Canada, at Winnipeg. North Dakota won on Affirmative.

OHIO.

Denison University. Granville. Baptist. Prof. C. E. Goodell, Coach. Primary system.

Annual debate—With Ohio Wesleyan University, Delaware, O., at Granville. Subject—The Central Bank. Denison won on Negative, 3 to 0.

Annual debate—With University of Cincinnati, at Granville. Resolved, That Congress should provide for the immediate establishment of a federal Income Tax. (Constitutionality conceded.) Denison won on Negative.

Heidelberg University. Tiffin. Ref. in United States. H. G. Houghton, Professor of Public Speaking. Primary system.

Triangular—With Buchtel College, Akron, O., and Otterbein College, Westerville. Resolved, That our legislation should be shaped toward the gradual abandonment of the Protective Tariff. Heidelberg won Affirmative against Buchtel; tied Otterbein on Negative, one judge failing to appear.

Hiram College. Hiram. Non-Sectarian. No coach. Prof. H. G. Hayes supervises. President Debating Club, C. E. Burns. Debaters chosen by literary societies.

Triangular—With Mt. Union College, Alliance, O., and Muskingum College, New Concord, O. Resolved, That the United States should establish a government Central Bank. Hiram, Affirmative, won at Hiram from Mt. Union; Hiram, Negative, lost to Muskingum at New Concord.

Mt. Union College. Alliance. Methodist. No coach. Prof. Herbert D. Simpson in charge. Primary system. (See Hiram College, Ohio, above.)

Triangular—Mt. Union, Affirmative, won, 3 to 0, at Alliance from Muskingum; lost Negative to Hiram College at Hiram, 2 to 1.

Annual debate—With West Virginia Wesleyan at Buckhannon. Subject—Central Bank. Mt. Union, Affirmative, won.

Muskingum College. New Concord. United Presbyterian. Prof. Ray K. Immel, in charge of Debating. Primary system.

Triangular—(See Hiram College and Mt. Union College, above.)

Annual debate—With Geneva College, Beaver Falls, Pa., at Beaver Falls. Resolved, That the Initiative, Referendum and Recall should be adopted for state affairs in Ohio and Pennsylvania. Geneva won on the Negative.

Oberlin College. Oberlin. Non-Sectarian. (See Ohio Wesleyan, below.)

Ohio Wesleyan. Delaware. Methodist Episcopal. Robert I. Fulton, Head Public Speaking. Coach and Assistant Professor, John T. Marshman. Primary system.

Annual debate—With Denison University. (See Denison University, above.)

Annual debate—With Syracuse University, Syracuse, N. Y. Resolved, That Congress should provide for the establishment of a Central Bank. (Constitutionality conceded.) Wesleyan, Negative, won at Delaware.

Triangular—With Oberlin College, Oberlin, O., and Western Reserve University, Cleveland, O. Subject—The Central Bank. Wesleyan, Affirmative, won over Reserve; and Negative lost to Oberlin. (See Ohio Wesleyan in Appendix I.)

University of Wooster. Wooster. Presbyterian. Professor of Oratory, D. G. Lean; President Forensic League, W. Carl Richards. Primary system.

Triangular—With University of Pittsburg, Pa.; Allegheny College, Meadville, Pa. Resolved, That the Federal Government should impose an Income Tax not apportioned among the states according to population. (Constitutionality conceded.) Wooster, Affirmative, won at Wooster over Pittsburg; Negative lost at Meadville to Allegheny. (See Allegheny College, Pennsylvania, below.)

Western Reserve University. Cleveland. Non-Sectarian. H. S. Woodward, Coach. A. F. Young, President Delta Sigma Rho. Primary system.

Triangular—(See Ohio Wesleyan above and in Appendix I.) Reserve won on Affirmative against Oberlin; lost Negative to Wesleyan.

Annual debate—With Notre Dame, at Notre Dame. Reserve, Affirmative, lost. Question not given.

Wilberforce University. Wilberforce. Methodist Episcopal. T. G. Stewart and E. E. Finch, Coaches. Debaters elected to Primary by organizations in the school.

Annual debate—With Clark University, Atlanta, Ga., at Wilberforce. Wilberforce won on Negative, 3 to 0. Question not given.

1910—With Clark University at Atlanta, on Labor Unions. Clark won Affirmative 2 to 1.

1910—With Howard University, Washington, D. C., at Wilberforce. Resolved, That the amount of property transferable by inheritance should be limited by statute. Howard won Affirmative 2 to 1.

1909—With Howard University at Washington. Resolved, That the Open Shop is more beneficial to the working man than the Closed Shop. Wilberforce, Affirmative, won, 2 to 1.

OKLAHOMA.

Epworth University, Oklahoma City. Methodist. (See Southwestern College, Kansas; also Appendix I, same reference.)

Oklahoma Baptist College. Blackwell. Baptist. (See Southwestern College, Kansas, above and in Appendix I.)

University of Oklahoma. Norman. Non-Sectarian. Paul A. Walker, Coach. Primary system.

Triangular—(See University of Colorado, Colorado, above and in Appendix I.) Subject—Short ballot. Oklahoma lost both debates.

Annual debate—With University of Missouri, at Columbia, Mo. (See above.) Subject—Minimum Wage. Oklahoma lost Affirmative.

OREGON.

Pacific University. Forest Grove. Non-Sectarian. W. G. Harrington, Coach. W. N. Ferrin, President Debate Council. Primary system.

Annual debate—With University of Idaho, Moscow, at Moscow. Won by Pacific University on Negative. Question not given.

University of Oregon. Eugene. Non-Sectarian. Gustave W. Buchen, 844 Emerald Ave. Primary system.

Triangular—Pacific Coast Debating League. (See Stanford University, California.) Subject—Ship Subsidy. Oregon won over Washington on Affirmative, 2 to 1; over Stanford on Negative, 2 to 1.

Triangular—Pacific Northwest Debating League (disbanded 1910)—With Universities of Washington and Idaho. Resolved, That all Corporations engaged in interstate commerce be required to take out a federal charter; it being conceded (1) that such legislation would be constitutional, and (2) that federal license shall not be available as an alternative solution. Oregon, Affirmative, won, 3 to 0, over Idaho. Oregon, Negative, won, 2 to 1, over Washington.

Annual debate—1910. Inter-Mountain Debating League—With Utah University, Salt Lake City, at Eugene. (Question stated above in Pacific Northwest Debating League.) Oregon, Affirmative, 3; Utah, 0.

- 1911—With University of Utah, at Salt Lake City. Subject—Shipping Subsidy. Utah, Negative, 2; Oregon, Affirmative, 1.
- Annual debate—With University of Washington. 1910. (Women's Intercollegiate Debating League.) Resolved, That the United States should establish a system of Postal Savings Banks. At Seattle, Wash. Washington, Affirmative, 2; Oregon, 1.
- 1911—Subject—Income Tax. At Eugene. Oregon, Negative, 3; Washington, Affirmative, 0.
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PENNSYLVANIA.

- Allegheny College.** Meadville. Methodist Episcopal. Stanley S. Swartley, Coach. Primary system.
- Triangular—(See University of Wooster, Ohio, above and in Appendix I.) Subject—Income Tax. Allegheny, Affirmative, won over Wooster at Meadville; Negative lost at Pittsburg.
- 1910—Resolved, That the United States government should establish a Central Bank of issue. (Constitutionality conceded.) Allegheny, Affirmative, won at Meadville; Negative won at Wooster.
- 1909—Resolved, That all legislative and executive functions of city government should be vested in a board of five, however and by whom elected. Allegheny, Negative, lost to Wooster at Wooster. Wooster also won on Negative at Pittsburg. Other debates not reported.
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- Dickinson College.** Carlisle. Non-Sectarian. No coach. Committee on Debate: Profs. J. H. Morgan, M. G. Filler and L. C. Prince. Primary system.
- Quadrangular—With Franklin and Marshall College, Pennsylvania State College, and Swarthmore College. (See Pennsylvania State College, Pennsylvania, in Appendix I.) Dickinson College met Franklin and Marshall College and Pennsylvania State College on Abandonment of the Protective Tariff. Dickinson won on both sides, gaining first place in the league.

Franklin and Marshall College. Ref. in United States. (See Dickinson College, immediately above; and Swarthmore College, Pennsylvania.)

Juniata College. Huntingdon. Baptist. Profs. F. F. Holsopple, O. R. Myers and I. Harvey Brumbaugh, Coaches Primary system.

Annual debate—With Westminster College, at Huntingdon. Resolved, That the Federal Government should impose an Income Tax not apportioned among the states. (Constitutionality conceded.) Juniata won on the Affirmative. Juniata has won eleven consecutive victories and has never lost a debate.

Pennsylvania State College. State College. Non-Sectarian. J. H. Frizzell, Assistant Professor Public Speaking, Coach.

Quadrangular League—(See Pennsylvania State College in Appendix I; and Dickinson College, above; and Swarthmore College, Pennsylvania.) State lost both debates in 1911; one to Dickinson, one to Swarthmore.

Swarthmore College. Swarthmore. Non-Sectarian. Paul M. Pearson, Head Department Public Speaking.

Quadrangular Debate—(See Pennsylvania State College, Pennsylvania, in Appendix I.) In 1911 Swarthmore lost on the Affirmative at Lancaster against Franklin and Marshall College, and won on Negative from Pennsylvania State College at Swarthmore. Subject—Abandonment of the Protective Tariff.

RHODE ISLAND.

Brown University. Providence. Non-Sectarian. President Debate Council, W. J. Wessel. Primary system.

Triangular—With Williams College and Dartmouth College. (See Williams College, Massachusetts, above and in Appendix I.) Brown won on Affirmative from Dartmouth; lost on Negative to Williams. Land Tax Question.

Rhode Island State College. Kingston. Non-Sectarian. William S. Spencer, Coach. Wm. R. Neal, President Debating Club. Debaters chosen by organizations and in primary contests.

Annual debate—With Massachusetts Agricultural College, Amherst, at Amherst. Massachusetts won on the Negative.

1910—Resolved, That the United States should subsidize the Merchant Marine. Massachusetts won on the Negative at Kingston.

SOUTH CAROLINA.

Furman University. Greenville. Baptist. No coach. (No intercollegiate debates 1910-11.)

SOUTH DAKOTA.

Augustana College. Canton. H. M. Dale, John G. Berdahl, Coaches. Primary contest and Literary Society contest preliminaries.

Annual debate—With Waldorf College, Forest City, Ia., at Forest City. Resolved, That the courts of the United States should be deprived of their power to declare laws unconstitutional; the constitutionality of such power being granted. Augustana won on Affirmative.

Dakota Wesleyan University. Mitchell. Methodist Episcopal. Debate Committee: Clarion D. Hardy, George A. Warfield, John L. Seaton. Faculty chooses debaters from literary society teams.

Annual debate—With Yankton College, at Mitchell. Resolved, That the state Charitable and Penal Institutions should be administered by individual boards of trustees—supplemented by the aid of the state board of charities—rather than by a central board of control. Yankton won on the Negative.

University of South Dakota. Vermillion. Non-Sectarian. Clarence E. Lyon, Coach 1911-12. Primary system.

Annual debate—With University of North Dakota. (See University of North Dakota.) Resolved, That the Canadian "Combines Investigation Act" of May 4, 1910, is an adequate remedy for the evils of combines, trusts, monopolies and mergers in the United States. North Dakota won on Affirmative.

Annual debate—With University of Colorado. Resolved, That the Conservation of our Natural Resources should be left to the individual states rather than to the national government. South Dakota won on Negative.

Annual debate—With Denver University, Denver, Colo. (Same question as in Colorado debate above.) South Dakota won on the Negative.

Annual debate—With Creighton University, Omaha, Neb. (Same question as in Colorado debates immediately above.) South Dakota won on the Negative.

Yankton College. Yankton. Congregational. Clarence E. Lyon, Coach in 1910-11. (Has gone to State University.) Debaters chosen in society contests.

Annual debate—With Dakota Wesleyan. (See Dakota Wesleyan University, above.)

Annual debate—With Huron College, Huron, S. D., at Yankton. Resolved, That State Charitable and Penal Institutions should be administered by individual boards of trustees—supplemented when desirable by the advice of a state board of charities—rather than by a central board of control. Yankton won on the Affirmative.

TENNESSEE.

University of Chattanooga. Chattanooga. Methodist Episcopal. Chas. M. Newcomb, Professor of Oratory, Coach. (No intercollegiate debating, 1910-11.)

University of Tennessee. Knoxville. Non-Sectarian. R. M. Ogden, Chairman Debate Council. Debaters chosen by societies. In 1911-12 societies will elect men to a primary contest.

Pentagonal League—Southern State Universities. (See Arkansas, Appendix I.) Tennessee met Arkansas and Texas and lost both decisions. Subject—Initiative and Referendum.

Annual debate—With University of Cincinnati, at Cincinnati. Resolved, That the United States should establish a Central Bank. Cincinnati won on the Affirmative.

Vanderbilt University. Nashville. Methodist Episcopal. Prof. A. M. Harris, 15 Garland Ave., Coach. G. W. Fallin, Secretary Council. Primary system.

Pentagonal League—(See Georgia, Appendix I.) Vanderbilt met the University of Virginia, and Tulane University, Louisiana, winning both decisions. The debates were held at Nashville and at New Orleans and were on the Income Tax.

TEXAS.

Baylor University. Waco. Baptist. Prof. J. F. B. Beckwith, Coach. Primary system.

Annual debate—With William Jewell College, Liberty, Mo., at Waco. (See William Jewell College, Missouri.) Raw Material Question. William Jewell won.

University of Texas. Austin. Non-Sectarian. E. D. Shurter, Coach and Head Public Speaking. Primary system.

Pentagonal League—Southern State Universities. (See Arkansas, Appendix I.) Texas met Tennessee and Mississippi, winning both decisions; Affirmative at Austin, and Negative at Oxford, Miss. Subject—Income Tax.

Annual debate—With University of Missouri, Columbia, at Austin. Raw Material Question. Texas, Affirmative, won. (See University of Missouri, above.)

UTAH.

Agricultural College. Logan. Non-Sectarian. (See Montana State College, above.)

University of Utah. Salt Lake City. A. B. Roberts, Coach.
Hugo B. Anderson, President Utah Forensic Club. Primary system.

Annual debate—With Denver University, Denver, Colo., at Denver. Resolved, That the United States should establish a more extensive system of Shipping Subsidies. Utah won on Affirmative.

Annual debate—With University of Oregon, Eugene, Ore., at Salt Lake City. Subject—Shipping Subsidies. Utah won on Negative.

1910—Resolved, That all Corporations doing an interstate business should be incorporated under federal law. At Eugene, Ore. Oregon, Affirmative, won.

1909—Resolved, That the Tariff should be imposed for revenue only. At Salt Lake City. Utah, Affirmative, won.

VERMONT.

Middlebury College. Middlebury. Non-Sectarian. John M. Avery, President Debating Union. W. E. Davison, Manager Debate. Primary system.

Annual debate—With St. Lawrence University, Canton, N. Y., at Canton. Resolved, That the United States should adopt the general policy of granting Subsidies to American vessels engaged in international trade. Middlebury lost on the Negative.

VIRGINIA.

Bridgewater College. Bridgewater. Dunkard. W. T. Sanger, Professor of Rhetoric. (No intercollegiate debates, 1910-11.)

Randolph-Macon College. Ashland. Methodist. E. B. Prettyman, Secretary Debate Council. Primary contests in literary societies.

Annual debate—With Emory and Henry College, Emory, Va., at Emory. Subject—Commission Form of Government. Randolph-Macon lost on the Negative.

Annual debate—With Richmond College, Richmond, Va., at Richmond. Resolved, That the Commission Form of Municipal Government should be adopted by the cities in Virginia. Randolph-Macon won on the Negative. The two schools stand 2 to 2 in debates thus far.

University of Virginia. Charlottesville. Non-Sectarian. Charles W. Paul, Coach. M. L. Wallerstein, President Debate Council. Primary in literary societies.

Pentagonal League—(See Georgia, Appendix I; also University of North Carolina, and Vanderbilt University, Tennessee, above.) Virginia won from North Carolina at Charlottesville; and lost to Vanderbilt at Nashville. Subject—Income Tax.

WASHINGTON.

University of Puget Sound. Tacoma. Methodist Episcopal. A. B. Wright, Coach. Primary contest.

Annual debate—With Bellingham State Normal, Bellingham, at Tacoma. Resolved, That the Conservation of Natural Resources should be a function of the state rather than of the Federal Government. University of Puget Sound won on the Negative.

University of Washington. Seattle. Non-Sectarian. J. C. Herbsman, 6307 Sixteenth Ave., N. E., Seattle, Coach. Primary system.

Triangular—(See Stanford University, California, above and in Appendix I.) Subject—Shipping Subsidies. Washington lost Negative to Oregon and won Affirmative from Stanford.

Annual debate—With Oregon (Girls), at Eugene. 1911—Subject—Income Tax. Oregon won on Affirmative, 3 to 0. 1910—Washington, Affirmative, won, 2 to 1, on Postal Savings Bank.

1910—Washington met Oregon and Idaho in a triangular (now disbanded) on Federal Charter for Corporations. Washington lost to Oregon 2 to 1, and won from Idaho 2 to 1.

WEST VIRGINIA.

West Virginia Wesleyan. Buckhannon. Methodist. Miss Christie Corlette, Robert S. Stauffer, Coaches. Primary contests in connection with societies.

Annual debate—With Ohio Wesleyan, Delaware, O., at Buckhannon. Subject—Central Bank. West Virginia won on the Affirmative.

Annual debate—With Mt. Union, at Buckhannon. Subject—Central Bank. Won by Mt. Union on the Affirmative.

West Virginia Wesleyan formerly had a triangular with Marietta and Bethany Colleges, and won both its debates for two years, when the agreement was terminated.

WISCONSIN.

Beloit College. Beloit. Non-Sectarian. Prof. C. D. Crawford, Coach. Ralph W. Selkirk, Manager. Primary system.

Annual debate—With Knox College, at Galesburg. 17th annual contest. Subject—Open vs. Closed Shop. Won by Beloit, Affirmative. (See Record—Knox College, Illinois, above.)

Annual debate—With Grinnell College, Grinnell, Ia., at Beloit. Subject—Open vs. Closed Shop. Beloit won on Negative.

Annual debate—With Albion College, Albion, Mich., at Albion. Resolved, That a Commission Form of Government for cities of 20,000 or over in the United States is desirable. Albion won on the Negative.

Carroll College. Waukesha. Presbyterian. M. N. Rankin, Coach. Alex. C. McMullen, Debate Committee, 121 Charles St., Waukesha. Primary system.

Annual debate—With Northwestern, Naperville, Ill., at Waukesha. Resolved, That the Initiative and Referendum shall become a part of the legislative systems of our several states.

Annual debate—With Lawrence College, Appleton, Wis. (Freshman debate.) Resolved, That the Initiative and Referendum shall become a part of the legislative sys-

tem of Wisconsin. Lawrence won on the Negative. 1910
—Carroll won on: Resolved, That a Federal Income
Tax is desirable.

Lawrence College. Appleton. Non-Sectarian. F. Wesley
Orr, 629 Rankin St., Coach. Primary system.

Annual debate—With St. Olaf College, Northfield, Minn., at
Northfield. Resolved, That the United States should
supplement her present system of taxation with a gradu-
ated Income Tax, with a \$5,000 exemption. Lawrence,
Negative, won, 3 to 0.

Annual debate—With Hamline University, St. Paul, Minn.,
at St. Paul. Resolved, That for cities of 20,000 or more
population the Commission Form of Government is de-
sirable. Lawrence won on the Affirmative.

Annual debate—With Albion College, Albion, Mich., at Ap-
pleton. Subject—Commission Government. Lawrence,
Negative, won.

Annual debate—With Carroll College, Waukesha. (See Car-
roll College, above.)

Ripon College. Ripon. Non-Sectarian. Egbert Ray Nichols,
Coach, 1911-12. Byron J. Rock, Chairman Debate. Pri-
mary system.

Triangular—With Coe College, Cedar Rapids, Ia., and Carle-
ton College, Northfield, Minn. (See Coe College, Iowa,
above and in Appendix I; also Carleton College, Minne-
sota, above.)



APPENDIX III

Table for 1911 showing the number of times various questions were debated.

N. B.—Several schools reporting debates did not give question.

Income Tax (including graduated tax)	32.	1st.
Initiative and Referendum	21.	2nd.
Commission Government	20.	3rd.
Open vs. Closed Shop	13.	6th.
Central Bank	13.	6th.
Abandonment of the Protective Tariff.....	11.	
Admission of Raw Material Free	2.	
Reciprocity	5.	
Giving Tariff Total	18.	5th.
Federal vs. State Control of Conservation.....	8.	
Federal Control of Water Power	1.	
Federal Government should Retain Ownership of Coal Mines (2) of Forests and Mineral Lands (3)...	5.	
Giving Total for Conservation	14.	5th.
Ship Subsidy	9.	7th.
Labor Unions should be Approved by Public.....	6.	
Added to Closed Shop gives	19.	4th.
Compulsory Arbitration	3.	
Corporations Should Take Out Federal Charter.....	3.	
More Centralization of Government—Fed. vs. State	3.	
Senators Should Be Elected by Direct Vote.....	3.	
Short Ballot	3.	
Minimum Wage	2.	
Woman Suffrage	2.	
Parliamentary vs. Presidential Government.....	2.	
The United States Naval Policy	2.	
Miscellaneous	11.	

APPENDIX IV

List of References on Argumentation and Debate.

- The Art of Debate*, R. M. Alden. (Henry Holt & Co., New York.) \$1.
- The Principles of Argumentation*, G. P. Baker. (Ginn & Co., Boston.) \$1.12.
- The Principles of Argumentation* (revised ed.), G. P. Baker and H. B. Huntington. (Ginn & Co., Boston.) \$1.25.
- Briefs for Debate*, W. D. Brookings and R. C. Ringwalt. (Longmans, Green & Co., New York.) \$1.25.
- Briefs on Public Questions*, R. C. Ringwalt. (Longmans, Green & Co.) \$1.
- The Essentials of Argumentation*, E. J. MacEwan. (D. C. Heath & Co., Boston.) \$1.12.
- Process of Argument*, A. Sidgwick. (The Macmillan Co., New York.) \$1.25.
- Pros and Cons*, A. H. Craig. (Hinds, Noble & Eldredge, New York.) \$1.50.
- Public Speaking and Debate*, G. J. Holyoke. (Ginn & Co., Boston.) \$1.
- Debater*, F. Rowton. (Longmans, Green & Co., New York.) \$2.
- Complete Debater*, F. Rowton. (Excelsior Publishing House, New York.) 75 cents; paper, 50 cents.
- Course in Argumentative Writing* (based on logic), G. Buck. (H. Holt & Co., New York.) 80 cents.
- Complete Debater's Manual*, C. Brown. (F. J. Drake & Co., 211 Madison street, Chicago.) 50 cents, 25 cents.
- Practical Debater*, W. H. F. Henry. (Normal Pub. House, Danville, Ind.) 40 cents.
- Debater's Handbook*, A. J. Kinnaman. (T. S. Denison, 168 Randolph street, Chicago.) 50 cents.
- Debater's Handbook*. (Lee & Shepard, Boston.) 50 cents.

Debater's Treasury, W. Pittenger. (The Penn Pub. Co., Philadelphia.) 50 cents.

How to Talk and Debate. (Dick & Fitzgerald, No. 8 Ann street, New York.) 10 cents.

Syllabus on Capital Punishment (with suggestions to debaters), W. M. Jerome and M. Sanford. (The H. W. Wilson Co., Minneapolis.) 50 cents.

Training for Debating. (Extension Division, University of Kansas, Lawrence.) Free.

Debater's Handbook Series. (The H. W. Wilson Co., Minneapolis.)

Argumentation and Debate. Laycock and Scales. (Macmillan.)

Argumentation. Perry. (Amer. Book Co.)

Briefs of Debates. (The Speaker Series.) (Hinds, Noble & Eldredge.) Paper, 40 cents; cloth, 60 cents.

250 New Questions for Debate. (Paper.) (Hinds, Noble & Eldredge.) 15 cents.

Intercollegiate Debates, Vol. I, Pearson. (Hinds, Noble & Eldredge.) \$1.50.

How to Attract and Hold an Audience (includes course in argumentative writing), Esenwein. (Hinds, Noble & Eldredge.) \$1.00.

How to Organize and Conduct a Meeting (especially a debating organization), Henry. (Hinds, Noble & Eldredge.) 75 cts.

BOOKS CONTAINING SPECIMENS ON ARGUMENTATION AND ORATORY.

Specimens of Argumentation. G. P. Baker. (Henry Holt & Co., New York.) 50 cents.

Modern Political Orations. L. Wagner. (Henry Holt & Co., New York.) \$1.

Representative American Orations. A. Johnston. (G. P. Putnam's Sons.) \$1.25.

Oration and Arguments. C. W. Bradley. (Allyn & Bacon, Chicago.) \$1.

Famous Legal Arguments. M. Field. (Sprague Pub. Co., Detroit.) \$1.

Nine Complete Debates. (Excelsior Pub. House, 8 Murray St., New York.) 25 cents.

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